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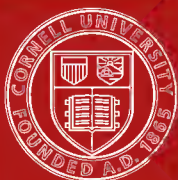
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POPULAR SOVEREIGNTY.

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POPULAR SOVEREIGNTY

BEING SOME THOUGHTS ON
DEMOCRATIC REFORM.

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'THE SOCIAL AND POLITICAL DEPENDENCE OF WOMEN,' ETC.

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POPULAR SOVEREIGNTY.



CHAPTER I.

THE PRINCIPLE OF LIBERALISM.

THE MAIN PRINCIPLE which will be found to underlie the propositions and arguments of these political and social chapters, the leading motive to which they must owe whatever consistency they may lay claim to, is this—that for all the evils to which the State or the community is subject, the fit and sufficient remedies are to be secured by a recourse to the final authority of the people. In other words, the source of power, the object of government, the sanction of law, the remedy of all evils to which the body politic is subject, reside in the community of individuals by whom the State is made up. Does the statute law require amendment?—it must be done in the interest of the bulk of the nation, for their special behoof, if not at their special solicitation. Is an entirely new law proposed in Parliament?—it must be for the purpose of increasing the popular welfare,

not for the exclusive benefit of a class. Is the public mind disturbed, or the public peace threatened, or the prosperity of the country jeopardised?—the root of the disorder is to be sought in some abuse or injustice or hardship which has weighed upon the people, and which must be removed as soon as it is discovered, in order that the whole body politic may not suffer.

We have tried other measures in England, and have found them all more or less mischievous ; though the history of this country will show that the idea of the commonwealth, and the rights and privileges of individual Englishmen, have never been lost sight of altogether. We have legislated for a class, or for the sovereign, at least as often as we have legislated for the people, and when the public mind has been agitated, and the masses have vehemently protested against a tyranny or an injustice, we have frequently turned upon them with sword and bayonet and musket, actually aggravating the evils which it was the alleged intention to cure.

England has had more than enough of these barbarous and empirical methods of treatment, and expects now to see the pure science of self-government applied by the political medicine-men who take her in hand. She has had (let us believe) her last Peterloo in the provinces, her last turn-out of the

household brigade in the metropolis. The age of dragooning has passed away, and we look at length for the inauguration of an age in which the nation shall live and act as an organised and cultivated unit, self-reliant, self-sufficient, self-restrained, free from the hasty, officious, and exasperating interference to which it has hitherto been subjected. Repression may have been serviceable, or may have been necessary, in the tutelage of the nation before it attained the power of self-command. But at the present stage in the development of the English people, it is difficult to imagine circumstances in which the forcible repression of a popular agitation could be either useful or indispensable.

It may be objected that this amounts to an argument in favour of mob-rule. All we have to reply is that such an argument is the last we should dream of employing. Mob-rule, in fact, may be regarded as simply another name for anarchy, whilst self-government by the people at large, not by virtue of theoretical justice alone, but as a conquest won by successive generations of political training and development, is itself the very seal and guarantee of an orderly community. In the common acceptation of the term 'mob-rule,' which implies at best the control of the authorities by popular clamour, as distinct from popular opinion and judgment, no reasonable man

can have so much sympathy with it as to desire that it should be held supreme in the last resort. But it is different with the firm opinion and settled judgment of the masses of the people. These living and imperishable forces—the forces of the people in the best interpretation of the words ‘force’ and ‘people,’ which are translated in the Greek word ‘democracy’—we fearlessly assert to be the true and the only prudent form of supremacy in England. The people as legislator, as administrator, as guardian and judge, having its destiny in its own hands, and free to will and to perform whatsoever seems best to itself, this we believe to be the groundwork of popular liberties in a developed and an orderly State.

The whole danger of a democratic scheme of government consists in the danger of prejudice and ignorance in the formation of public opinion, and of undue violence in the expression of popular judgments. If, then, we wish to surround such a scheme of government with safeguards, we must watch over the modes by which popular opinion and judgments are cast into shape ; and before we can be justified in admitting the full title of the popular voice to speak the last word upon all questions of government, we must feel the assurance and conviction that the popular mind has been adequately enlightened, and that the masses are furnished with ample

materials and aids wherewith to form their judgments. Now it is because we are able to feel this assurance that we do claim such an authority for the popular will. As for the public expression of this will, the entire course of our national history attests, on the one hand, the struggle of Englishmen for freedom of speech and opinions, in public meeting and in Parliament, together with their determination to make their needs and grievances known to those in authority, and, on the other hand, the constant tendency on all sides to protect and limit these privileges by the sanctions of law. Thus it happens that at the present time there is no country in the world where the right of public meeting is so perfectly recognised and constitutionally secure, or where parliamentary self-rule (with whatever drawbacks) is established on so firm a basis.

As for the shaping of public opinion, and the creation of the judgments which give rise to expressions of the popular will, these—which are of course the more important—are placed under equally effectual guarantees, and furnish us with perhaps the strongest warrant of all for our confidence in the final recourse to the decision of the people. For the shaping of popular opinion is the duty and privilege of the wisest individuals in the nation ; and, as the

wisdom of the nation has increased, greater and greater facilities have been obtained for this educational process on the part of individuals. The same freedom of speech and meeting which provides for the expression of popular judgments assures to the instructors of the nation—that is, to the wisest and most prudent individuals—the means of enlightening the popular mind. And, in addition to the facilities of oral persuasion, there is another, a more wide-reaching and generally effectual, method of instructing, guiding, and elevating the people at large; and it is this method in particular which has been improved and expanded within the latter generations of our national history, and which has at length made democratic self-government a possible, a practical, and a promising system for the English people. We refer, of course, to the press, and to that freedom of expression in political and social matters which makes our newspapers, pamphlets, and books so potent in their influence on the public mind. It is, in point of fact, to the press before all things that we must look, and look with a well-founded confidence, for the moulding of popular opinion and the guidance of the popular will. And it is to the gradual purification and perfection of this mighty instrument of human progress that we shall owe the inestimable blessing of a democracy in its highest form, and

the avoidance of those dangers which are inseparable from government by a majority.

Not mob-rule, therefore, but the self-rule of the masses, by the orderly, constitutional, and irresistible supremacy of the popular will, is the just and proper form of government for a nation as free and developed as our own. It is just, because it promises liberty and prosperity to the greatest number, and because a nation, like an individual, ought no longer to be controlled by forcible repression when it is capable of controlling itself by moral restraint. England is in the position of a man whose mind is illuminated and his strength matured, who has left the days of tutelage behind him, and who claims and is entitled to the independence of manhood. Repression is for criminals or for children or for the mentally weak, not for men of integrity, of self-knowledge, of self-command. In England, as we may affirm without boasting, public opinion is, on the whole, and in the long-run, sober, moral, and rightly informed ; its childishness has for the most part fallen away from it ; and its instincts are just and liberal and progressive, though at times it may be warped by enthusiasm or damped by reaction. It has been trained, by ages of varied and noble experience, in the school of effort, perseverance, and success ; it has been dignified by the continuous struggle for personal

and political liberty ; it has been developed and strengthened by the exercise of public rights, the sanctions of free speech, and the elevating influence of a press which is reverent of order as well as bold in utterance, moral as well as adventurous, moderate as well as logical. This adult public opinion in England, upon which are based deliberate and prudent judgments, fits us as a nation for popular self-government, and justifies us in our demand for democratic institutions, and for the utmost possible freedom from repressive control.

We would here take occasion to guard against a misconstruction which might be placed, not unnaturally, upon the line of argument adopted in the present volume. The democratic views shadowed forth in the preceding remarks are not intended to involve all that may appear to be implied by the word 'democracy,' which is used by different persons in widely different senses. The democracy which seems to us to be wise and indispensable for England, and which is actually established amongst us in the existing order of things, is not so much an aggressive fact or theory as it is a safe, gradual, and logical development. It is the power of the people which has grown with the steady growth of the national character ; it is the 'moral order' of Englishmen, which contains all the elements and securities of firm and peaceful

government. It is not a restless, destructive force, which must be ever falling to pieces because it must be ever employed, but a force of that thinking radicalism which would destroy abuses, root and branch, in order to preserve all that is good from corruption.

If this democratic tendency in Englishmen were really destructive, or if it were aggressive in such a sense as to give reasonable cause for alarm to the contented, unambitious, and property-holding classes of the community, we should have heard a great deal more about its vices and dangers in the past. We should have had more seditious talking and writing on the one hand, and more rancour and menace on the other. We should have had more bloody revolutions and more bloodthirsty repressions. But, fortunately, the recent history of England is comparatively free from the terrible pages which disfigure the history of some other countries. We have not had our reigns of terror, our *noyades*, and our communistic outbreaks; we have not often attempted to crush liberty with the bayonet, with the knout, or with Siberia. Our greatest and most sanguinary revolution was caused by the aggressiveness of the Crown against established parliamentary rights, not by any impatience of just control on the part of the masses. From that time forward we have had nothing in the

nature of outbursts of fury, or desperate popular demonstrations against authority. It has often been questioned whether the English people have not been too lax, too submissive, too patient of continuing abuses—with the effect that our agricultural classes are now incalculably worse off than those of France, Germany, and other European countries. But it is rarely maintained that they are on the side of political animosity, that they are inclined to an aggressive socialism, that they are unstable and disorderly, or that their aspirations are in any sense a menace to the owners of legitimate privileges.

That there are great abuses, unjust privileges, cruel inequalities, and even grievous oppressions, in the social institutions of this country cannot fairly be denied; but all the sufferings of the poorest classes in England, all the indignation excited in the breasts of popular leaders and ambitious demagogues, have not sufficed to drive the masses to violent remedies. At the utmost we have had our mobs, angrily excited, our monster petitions to Parliament, our more or less wild declamations in the public streets. Rarely has blood been shed as a consequence; and rarely has the Administration or the Legislature failed to meet the popular demand by the timely wisdom of compromise. The secret has been that English de-

mocrats have not asked for too much at a time ; or, if they have done so, they have been satisfied to take the fulfilment of their desires by instalments. There has been, happily for us all, a certain amount of self-restraint on both sides ; for if successive Governments had not been wise enough to concede one or two points of a popular charter or programme of reforms, the demand would have been pressed home with as much vehemence as might have been necessary to secure its entire satisfaction. All the great charters on which our national liberties rest have been won by the stern determination of our ancestors—of the aristocracy as well as the democracy ; and it is because this determination in the character of Englishmen is so well known and respected that, since the signing of the contract between William of Orange and the people of England, no monarch or minister has for long together attempted to withstand a reasonable popular demand.

Hence it is that English democracy is not formidable to any candid and well-informed mind. The progressive spirit of Englishmen is moderate, rational, and self-controlled ; it has no sympathy with subversive ideas, and is, in fact, the best guarantee of public order which it would be possible to devise. And this same reforming spirit is moderate and rational and self-controlled, because its irresistible

force is so thoroughly acknowledged, because it has gained such unequivocal triumphs in the past, and because no one doubts that it could at any moment gain similar triumphs in the future. The fact is that we fought our critical struggles for freedom some two centuries ago, and, having fought them, were contented thenceforth to advance by slower degrees, partly because we knew that no desperate efforts were needed, and partly also because we feared to lose by violent contentions what we had already secured.

Now, however satisfactory it may be to us to reflect upon this unaggressive character of English democracy, and to know that our fellow-countrymen would scarcely under any circumstances come to open hostility in contending over a programme of reform, it is not to be concluded that a tacit agreement exists between the people and their rulers, or between the non-privileged and the privileged classes, by which the former are to abstain from the forcible prosecution of their demands, on condition that the latter consent to discuss and compromise any claim which is proved to have an adequate basis. It would be impossible to stipulate such conditions, or to arrive at such an agreement. The hands of both sides are unfettered. They may be restrained by reason, but they are not tied by any immoral or unobservable contract. Reformers are

free to press their case to the utmost point of insistence. The democratic party is in no way pledged to leave certain abuses untouched, or to compromise any demand by accepting less than is just. And, as a matter of fact, it will scarcely be denied by any man of liberal and progressive sentiment that an excess of moderation has been displayed by reformers in the last few generations, and by the champions of popular rights. The democracy, in the best sense of the word, has not been sufficiently aggressive, and the classes which enjoy exclusive and unjust privileges have had too much the best of the majority of recent compromises.

The plain statement of the case is as follows. The masses of the English people are very far from being as happy, as prosperous, or even as moderately comfortable as the population of this great empire ought to be. But it is in our power, constitutionally, peacefully, without undue violence, to exact reforms and modifications which would vastly improve the condition of the masses. Therefore it is our duty to exert this power, to put it forth energetically, persistently, and in the face of all opposition, until we have amended a constitution which is proved to be unsatisfactory.

The following chapters will be devoted to the consideration of certain prominent or special points in

which the remodelling of our institutions appears to be necessary for the welfare of the community, and for the preservation of what is best and most venerable in the social fabric. It is in the spirit of true democracy that we would discuss these questions of reform. The much-needed changes are to be arrived at (if the foregoing notions are not conceived in absolute ignorance and misapprehension) by a revolutionary, that is to say, a repeated evolutionary, process of orderly and uncompromising effort. We are to attain a more robust and a more perfect growth by the gradual development of our organic life ; but this development, though gradual and orderly, is to be more rapid in the future than it has been in the past. We are to advance by the law of our political vitality, which is the same law to-day that it was generations ago—the law of national progression as it may be deduced from our achieved national progress. As the plant grows up to that precise form which was indicated in the undeveloped germ, so the State must become perfect by an equally certain formula of evolution. We Englishmen have a formula of our own, as Frenchmen, Germans, Italians have of their own ; and it might not be very difficult to predict the general outline of the configuration to which we are destined to attain. In fact, such a prediction is unconsciously attempted by every one who conceives a

programme of national reformation ; and the justice of the forecast may be approximately measured by the faith and the determination with which any individual reformer is led to shape and work out his plans.

The one thing needful, whether in prediction or in action, whether in drawing up a new programme or in working it out, is to note the law of growth by which the English Constitution has gradually reached its present stage of development. This is the one law which must inform and guide all true and serviceable growth in the future ; and it is the law whereby all authority, all supremacy, all public action within the body politic, finds its true origin and issue, its aim and end, its apology or its remedy, within the sphere of the popular needs and interests. And the attainment of 'the greatest happiness of the greatest number' is the touchstone by which we must try all political actions, programmes, and opinions.

CHAPTER II.

PARLIAMENTARY DEADLOCKS.

No question can be of greater interest for Englishmen than that which concerns the management of public affairs in Parliament. All others are included in or subordinate to it. There is scarcely a single legislative or administrative reform which can be secured without the interposition of the House of Commons, and certainly not one, however bold and comprehensive, which would not be brought nearer to accomplishment by improving our parliamentary system. The better the machinery, the better the product.

It has come to be admitted on all hands that the products of Parliament for some years past, if good and serviceable in themselves, have not been turned out in sufficient number, or under sufficiently favourable conditions. The process of manufacture has been disturbed, and the machinery has not always been equal to the strain put upon it. Other manufactures have been depressed by the sudden and

general decrease of demand ; but there has rarely been a time when effective legislation was more urgently and persistently demanded than it is now.

Englishmen are only too ready to receive and to pay for good Acts of Parliament. They need, say, a score or a hundred which shall strike at the root of that great upas-tree under whose branches thrive pauperism, subserviency, drunkenness, brutality, and a host of moral and social iniquities. It will hardly be denied that something might be done, in each and all of these cases, to change things for the better by the addition of a chapter to the statute-book. Yet session after session goes by, and many a crying evil is left untouched. Now and then an Act is passed, and every one welcomes the good results which flow from it ; but, instead of the rapidity and ardour of reform which the nation might not unreasonably expect, it has been found, at least in recent years, that Parliament has the utmost difficulty in dealing even with a brief and unambitious programme.

A simple outsider, assuming that every individual legislator is anxious to pass measures which would promote the common welfare, and which have been carefully thought out and drafted, is apt to wonder how such measures can fall to the ground. He thinks it discreditable to the six hundred and fifty-eight picked men of the country, and to the Government

which directs their labours, that they cannot at any rate enact reforms in the principle of which a majority of the House has concurred. He does not, perhaps, understand or appreciate the difficulties which beset his representative (if he has one) at Westminster ; and thus it is inevitable, in the long-run, that he should begin to question the vaunted excellence of our parliamentary institutions.

Perhaps members of Parliament themselves will be foremost in admitting that the work of the country has not advanced as it ought to have advanced—that the deliberations of the House have been frequently futile—and that the community has a right to complain. But whether this be admitted or not, the community does complain ; and it will complain still more bitterly if the experience of the past sessions is to be repeated. The mass of Englishmen feel so acutely the need of social and economic legislation, and value this so much more highly than anything else which Parliament can do for them, that they will certainly lose patience if the present state of things is not speedily and thoroughly changed.

Special emphasis has been given to these considerations by the conduct of a section of the Irish representatives in the House of Commons, by the obstruction, justifiable or unjustifiable, which has now developed into a commonplace parliamentary

occurrence, by the apparent impotence of the devices adopted to countervail this obstruction, and by the consequent deadlock of the business of the House. Whatever may have been the case five or ten years ago—and there were obstructionists and deadlocks then—it is evident that these things are reaching their climax, and that the efficiency of Parliament as a law-making organisation has been seriously impaired.

It is not absolutely clear that the voice of the country as a whole (taking franchised and unfranchised together—those who need reforms and are dumb, as well as those who need reforms and send their delegates to obtain them) is prepared to cast the chief blame for this deadlock upon the obstructionists. Men at the bottom of the ladder will not closely question the motives of those whose restlessness enables them to draw nearer to the top. More than this, it seems probable that a large number of people are inclined, if only from a blind instinct, to recognise in the most outrageous obstruction something else than a single-hearted resolution to make things move more rapidly by placing obstacles in their way, to evoke force by opposition, and to cure sloth by delay.

If we take this phenomenon of obstruction at its worst, and understand it as a display of obstinate

hostility on the part of a minority towards a majority ; if we believe the aggressive plan of action to be adopted in cold blood, for the deliberate purpose of exacting concessions ; if we conclude that personal pique or wounded vanity has more to do with it than patriotism of any kind ; still, under any circumstances, the fact is one which has to be faced and grappled with. If Parliament is to do its duty to the country, obstruction must be overcome ; and it seems to be hopeless to attempt to stamp it out by force. The remedy might prove worse than the disease ; and in the history of the House of Commons there are chapters which are far from encouraging a resort to extreme measures of compulsion. A struggle of many years' duration, and a most unprofitable one to boot, would be necessary before any particular member could be definitively rejected by his fellow-representatives ; and a doubt would arise as to how far the House is entitled to punish a constituency with disfranchisement for no other offence than that of electing the same delegate in Parliament after Parliament.

Is there not a more excellent way of putting an end to the existing vice of obstruction, and, at the same time, of rendering it less likely to be adopted in the future ? Obstruction has recently sprung from two sources in particular : first, from the discontent of

Irishmen with the condition of their country ; and, secondly, from a more general, if less bitter, discontent with the shortcomings of parliamentary government. It would surely be a fortunate thing if the discontent in both cases could be removed by one and the same device, so that an end might be put to the notorious and unhappy delays in our public business, which go so far towards stultifying the whole system of parliamentary government.

We do not mean to say that the proceedings of the Irish Home Rulers in the House of Commons during the past few years, whereby they have given so much trouble to the Government, and have drawn upon themselves so many reproaches from the majority of their colleagues, were instigated by precisely the same reasons as those which prompted certain English and Scotch members below the Gangway to resort to somewhat similar practices. The sources of their action were in some sense distinct, and the remedy, if any can be found, must operate in a different manner on the various discontented sections of the popular representatives. The grievances of the Irish members are such as cannot always be appreciated or comprehended by Englishmen, and their conduct in Parliament is in a great measure dictated to them by their constituents. It would be beside the mark to go into the whole

question of Irish disaffection, but it is plain enough that this disaffection is very deeply and generally felt in the sister kingdom, and that the phenomenon presented in the House of Commons, disagreeably as it has often been manifested, is the genuine and legitimate expression of the popular voice in Ireland, exercised in a constitutional manner by the delegates of the Irish people. For this reason the Home Rule members have a claim upon our attention; they must be listened to calmly; and we must do whatever may seem possible in order to meet and satisfy their complaints.

The duty incumbent upon us to hear and redress the grievances of Ireland cannot be any the less imperative because these grievances have been put forward more pertinaciously, or even more unjustifiably, than we like, nor because we did something for the country ten years ago, nor yet because a few Irish members have taken such hostile measures in Parliament and in the country as might put them individually out of court. If their grievances are real, and to the extent in which they are real, we are bound to attend to them, no matter how much we may have already done for Ireland, or how improperly the case has been pressed upon our notice. There is generally a presumption, until the contrary is proved, that when an advocate or an aggrieved person

has repeated his plea over and over again, and has finally persisted to the point of making himself obnoxious to those before whom he pleads, he at least is persuaded of the justice of his case, and is carried away by excess of zeal. In the minds of many persons, especially of outsiders to whom the aggrieved man has not made himself personally unpleasant, there is wont to be this further presumption, that the judge has not been sufficiently cool, patient, or discerning, and that a greater display of tact in the earlier stages of the hearing might have prevented the explosions of the pleader, and thus have staved off the extremities of passion and desperation which threatened to take the cause out of the category of judicial and equitable treatment.

Was there not a time, for instance, when the Irish cause, as presented to the House of Commons by Mr. Butt, might have been fairly and reasonably listened to, even subsequently to the general discussion of its merits in Parliament, but before the members for Meath, Waterford, Dungarvan, and others began to take such an active share in the proceedings of the House? Was it not possible, without too great a stretch of conciliation or complaisance on the part of English members, to grant the Royal Commission asked for by the Home Rulers? The granting of a Royal Commission does not necessarily imply the concession

of the whole demand of those who ask for it. It does not mean that the principle involved in the demand is entirely conceded beforehand. The inquiry prayed for was to have been an inquiry into the existing grievances of Ireland, with a view to seeing what remedy might be applied, and whether the particular remedy of Home Rule would be a real or a practicable one, as maintained by the Irish, and in what sense this term of Home Rule should be construed. The granting of this inquiry would have calmed down the heated minds of the Irish members; and the result might possibly, even probably, have been the attainment of a compromise or a settlement or an understanding by which the Irish question would have been closed for some time to come. In the striking of a bargain, neither side expects to get the full extent of his original demands, and it is certainly conceivable that the Irish might have been satisfied in 1875 with considerably less than they thought fit to ask.

As it is, the extravagance, and above all the acerbity, of their demand has been increased by the resentment not unnaturally called forth amongst English politicians, and every year the difficulty of coming to terms is aggravated. Few will deny that a failure of temper and tact was displayed in the treatment of the Irish members by some of their

more unreflecting English colleagues during the Parliament elected in 1874; and from this mistake sprang many of the evils which went to make up one of the greatest political scandals of modern times. The worst error of all was in forgetting that the Home Rule members were direct representatives of a very large section of the Irish people, and that every one of them was entitled to a reception and a hearing as a simple mouthpiece of the popular will, irrespective of his personal merits or demerits. This is the feeling which should be uppermost in the minds of all, when considering the action of a delegate; and it must be admitted that the feeling has in many instances been conspicuous by its absence.

Setting aside the motives which Irish obstructionists—to use the accepted term—have obeyed merely as the champions of isolated Irish ambitions, and which have impelled them to assume a bitterly hostile attitude in the Imperial Parliament, for the apparent purpose of forcing us to grant their demands, there remain other and more reasonable explanations of their conduct, identical with the explanations which may be given of the obstructive attitude of certain of the English and Scotch Liberals below the Gangway. In this sense, applicable to all members of the House who are transparently animated by a zeal for the public

service, by the desire for reform, and by an impatience of the long and slothful delays in our national progress, we can readily understand the position assumed by those who have had recourse to the forms of the House in order to defend the action of the majority. The position is not entirely a novel one. It had been assumed before the election of 1874, on the Conservative as well as on the Liberal side. Now and again, no doubt, obstruction was resorted to from motives of simple obstinacy, or for the purpose of preventing the enactment of a reform which the obstructive deemed to be premature or unsound. The obstruction offered by some Conservative Don Quixote, fighting against the inevitable, has been of this latter description ; and, not being long sustained or continually repeated, it has roused only a transient irritation. But much of the obstruction of later days has been due to more deliberate conviction, and has had far greater reason and justification.

Undoubtedly the practice of obstruction, legitimate or illegitimate, by Irish members or others, has been greatly vulgarised, not to say abused, during Lord Beaconsfield's administration ; but we must not lose sight of the fact that it has resulted in more good than harm, since the attention of statesmen and the public has been drawn more closely to the evil, to its causes and its possible remedies. Whether we ascribe

the remarkable growth of the practice to a weak leadership, to individual, class, or national animosities, to the discovery that deep impressions may be made by this means on an otherwise unimpressible House, or to any other cause, it is manifest that the time spent by obstructive members during the past few sessions has not been altogether wasted. We have the question now fully and fairly before us, and can proceed to deal with it in a far more hopeful mind than if we had not gained this new experience. There was indeed plenty of obstruction before Sir Stafford Northcote fell upon evil times in the House of Commons. The Bill introduced by Mr. Gladstone's Government for the abolition of purchase in the army was met by persistent obstruction, which threatened to render its passing an impossibility. The Cabinet of the day took a short and summary way of dealing with the difficulty. It was fully justified in believing that the approval of the country at large had stamped its imprimatur on this particular reform. It was evident that the obstruction proceeded solely from the class which would be affected by the measure. There was consequently every legitimate inducement for Mr. Gladstone and his colleagues to proceed by Royal Warrant, and so to overrule the factious opposition. But it is not easy to conceive many other cases in which an equally arbitrary method could be fairly

adopted. It is not too much to say that a great deal of the obstruction of later years has been quite as legitimate as that which attacked the Army Purchase Bill was illegitimate. The obstruction, for instance, which all but resulted in the abolition of the 'cat,' and which actually reduced the punishment by flogging to a minimum, was entirely justified by its fruits.

It is easy to conceive the apology for obstruction which might be presented by an independent and jealous advocate of reform, who places the interests of popular progress above the temporary and accidental interests of a party. 'Reform,' we may imagine such a one to say, 'is to me the highest and most sacred duty of all. The true work of the nation is to advance, step by step, without unnecessary delay or intermission, towards a state of complete self-government, and towards a condition of universal prosperity and welfare. So many things are requisite before we can approach this end, there are so many abuses to be removed, and so many legislative remedies to be applied, that Parliament has no right to waste a single moment. The people have sent us all here to obtain for them the benefits of which they stand in need, and we have no other sanction for our acts and words than that which we derive from their mandate. I owe it to my constituents, as every other

member of Parliament owes it to his, to strive in all possible ways, and to adopt every constitutional means, for the very fullest measure of liberty and privilege. I am also persuaded that parliamentary action is the only method, short of revolution, by which this liberty and privilege can be obtained, so that Parliament alone stands between the peace and welfare of the country and those otherwise inevitable acts of violence which would entail the dissolution of society. From this point of view the reforming activity of Parliament is indispensable to the wellbeing of the country, and in its absence we run the gravest risks of losing much of what we already possess. Therefore, when I find Parliament refusing to move forward in the path of reform, or moving at an almost unappreciable pace, whether from unwillingness or incompetence, I consider that there is no better method of performing my personal duty to my constituents than by obstructing a useless course of action in order to arouse a more serviceable activity. A slothful man, checked and startled out of his sloth, may afterwards push forward with some vigour. A machine which works imperfectly may be put in good order by being stopped altogether ; or rather, it cannot be put in good order without stopping it. If you can show me a more effectual plan, I shall be only too happy to follow it, because parliamentary obstruction is

neither a pleasant nor a safe operation. But the ablest men have been trying other plans for years past, without any notable success; and my friends and I did not assume our *rôle* until things had come to their worst. It is not just to say that we bring parliamentary institutions into jeopardy, since our object is to galvanise them into more energetic life. Government by representation is jeopardised by those who suffer it to be a sham, and not by those who determine that it shall be a reality.'

There is unquestionably much force in these arguments, especially when they are urged by men who are above the suspicion of faction, and whose attachment to parliamentary government is beyond avail. We need not conclude that they are right or unanswerable, or even that the means of obstruction are justified by the end which is aimed at. But there is no doubt that this end is one which should be steadily kept in view by statesmen and politicians of every school; and it behoves us to consider how we may set about the indispensable work of parliamentary reform. The great need of the day is to make government by representation effectual, to stimulate national progress, and to do away with the cause as well as the fact of obstruction.

Now it is admitted on all hands that one of the

principal, if not actually the principal reason for the relative failure of parliamentary institutions, resulting in the feebleness of the legislative system, and the recent deadlock in the public business, is the excessive amount of work which has been cast upon our representatives in the House of Commons. They are asked, and they try, to do too much ; and this is probably the main cause of their doing so little. The fact is beyond dispute. It has been demonstrated over and over again, in every session. Whether we take the actual legislative records of successive years, or mark the often startling difference between the promise of a Queen's Speech and the corresponding additions to the statute-book, or note the constantly overcrowded lists of orders and motions, the unedifying scramble for a hearing, the abortive efforts to push forward measures acknowledged to be serviceable, the talking out, the counting out, the veiled or manifest obstructions by which the business of the country is so repeatedly interrupted, we are met on all sides by unmistakable signs that Parliament undertakes a great deal more than it can perform.

The operation of this evil is both directly and indirectly injurious. Necessary measures fall to the ground because unnecessary measures are brought forward and consume the time of the House. Others

which are passed into law are only partially effective, or are entirely ineffective, for the same reason. The promoters or supporters of Bills which are thrown out not unfrequently give way to irritation or jealousy, and revenge themselves by wrecking other Bills, under the charge of their colleagues, in which they had previously taken no interest whatever. Little creditable as such a course is, there can be no doubt that serious obstruction has often arisen from the cause here indicated.

Now the constituencies have a clear right to complain of this anomalous state of affairs, which practically deprives them of their cherished privilege of self-government. They send representatives to Parliament in order that, after ample discussion and the vote of a majority, measures may be passed which shall meet the urgent needs of the community. Instead of that, the elected representatives reach Parliament, in nineteen cases out of twenty, only to find themselves powerless, and almost unable to make the wishes of their constituents known. Honest and energetic men have been goaded before now into rebelling against such a state of things, and so losing their chance of being useful public servants. They either incur the more or less senseless ridicule of their calmer colleagues by their vain efforts to break through prejudice and eti-

quette, or they develop, by virtue of a forcible and resolute character, into a species of obstructives, thoroughly unpopular in the House, if occasionally successful in making an impression on the Government of the day. In any case the constituencies are ill-served. The representative system is rendered practically futile, inasmuch as our delegates are either elbowed out of the way or laughed down, or treated with disfavour or overworked.

Moreover, the complaints of the constituencies have been urged, for some time past, in such a manner as to render the redress of the grievance imperative. The press has almost unanimously demanded that the machinery of Parliament shall be overhauled, and the legislative system remodelled. Many as are the causes to which the evil is ascribed, and various as are the remedies which have been proposed, there is little or no question as to the precise nature of the evil itself, which is acknowledged to be the excessive burden thrown upon the shoulders of our representatives. Some of the most experienced and trusted statesmen of the day have kept pace with the organs of public opinion in confessing and confronting the difficulty.

Thus the wisest, the most experienced, the most candid and trusted statesman of the present genera-

tion, Mr. Gladstone, has admitted that 'the House of Commons is fast becoming incapable of the due and sufficient discharge of its functions.' Obstruction, such as manifested itself amongst private members in the years 1876-79, he has described as a consequence rather than as a cause of the parliamentary deadlock ; and it is not in the ranks of Liberalism that his indication of the true reason will be disputed. 'If those,' he wrote in the *Nineteenth Century* for August 1879, 'who have had the main share in bringing about this state of things are mainly to bear the brand of obstruction, then, I apprehend, there is no doubt that at this hour the chief obstructionists are the Government. On a Parliament already fainting beneath the weight of its necessary burdens they have heaped new cares and engagements mountain-high.' And again, in the same article, Mr. Gladstone complains that the Government had 'reduced the House of Commons, through the doubling of its business, to less than half its efficiency.'

We do not know that this point has been seriously contested, and it is perhaps superfluous to multiply testimonies all tending to the same conclusion. Some persons may question Mr. Gladstone's assertion that the Executive Government, not the Irish members, were the chief offenders in obstructing the business of the House ; but hardly one will deny that

Parliament has had its capacity for work grievously diminished by the multiplicity of its engagements. It remains to discover and apply a remedy for this admitted evil, and we invite the reader to accompany us over this ground in the two following chapters.

CHAPTER III.

CAN PARLIAMENT BE RELIEVED?

IF Parliament is overworked, there is clearly, to begin with, a choice between two modifications which may be introduced into our present system. We may either relieve the House of Commons of a certain portion of its responsibility by excluding particular subjects from its programme altogether, or we may render both Houses more efficient, and, dividing the whole work more evenly between them, render it possible for the two combined to discharge all existing parliamentary functions.

The last of these alternative courses is scarcely one which will commend itself to practical men. There have, indeed, been various attempts at different times to carry it into effect; but their success has not been such as to encourage reliance upon this device. It would seem to be futile to aim at making the House of Lords a more serviceable part of the legislative machinery than it actually is. Young and energetic members of that House, like Lord Rosebery

and others before him, have been constrained to expostulate with their fellow-peers on the enforced idleness to which they are condemned. The difficulty lies in getting the peers to undertake arduous and tedious work, in providing that the Lord Chancellor should sit longer on the Woolsack, and in making the discussion of measures introduced into the House of Lords more of a reality, less of a form. And experience has shown that these difficulties are insuperable.

If the Lords cannot appreciably relieve the Commons of their burden, is it possible that the House of Commons itself should be so remodelled, in its mode of work if not in its actual composition, as to make it equal to the task imposed upon it?

No doubt much might be done in this direction. It is towards the development of the existing resources of the House that many recent efforts at parliamentary reform have looked. Perhaps the most hopeful of the suggestions which have been made in this sense is that greater use should be made of Committees of the House; so that by 'grand' or select committees, several of which might be sitting at the same time, the deliberative power of Parliament might be multiplied. The French bureaux may serve as an illustration of the manner in which this system might be expected to work. A Bill is referred

to a bureau, which discusses it in detail, and it then comes before the entire Chamber with a certain stamp of approval, to which the Chamber, as a rule, is naturally inclined to attach considerable weight. The bureau which moulded it is an integral portion of the Chamber, actuated by the same spirit, and in all probability possessing the full confidence of the majority.

So it would be, as we may fairly assume, with Grand Committees of the House of Commons. A Bill might be referred to a grand committee, after the second reading, with or without specific instructions as to its treatment; and perhaps in the greater number of cases it would only return to the House as a whole in order to be read a third time and passed. Under ordinary conditions, when there was no very strong or hostile feeling against a measure, this plan would save time, and enable Parliament to do a little more work; but on the other hand there are manifest objections to it.

It was comparatively easy in France, where parliamentary institutions are new, or at least new in their present form, to establish this reasonable method of legislation by the subdivision of labour. But amongst ourselves, the change implied by the adoption of such a method would be greater than the House of Commons cares to impose upon itself. Internal

parliamentary reform has proceeded slowly, rather by precedent and tradition than by deliberate modification of practice. Nowhere are the rights and privileges of individual members more jealously protected; and it has been represented as an infringement upon these to take away duties once assigned to them, and to make partial a function hitherto regarded as general. The House is afflicted by a double *non possumus*. It is unable to do its work, and it declares itself unable to abandon any portion of its programme, even to committees organised from amongst its own members.

In point of fact, this plan of grand committees has been considered and rejected by a select committee of the House, specially charged to report as to the best method of expediting the public business. The report of that select committee was, apparently, futile as it was negative. It proved that the House had too much to do; it rejected most of the suggestions made with the object of relieving the pressure; and it could not bring itself to recommend a thorough and adequate scheme in order to meet the growing evil.

In the absence of such a scheme (for it would be rash to say that the House could not under any circumstances provide a good working machinery whereby the energies of its six hundred and fifty-eight

members might be utilised to the fullest extent) it is for us who are outside the House—for the country at large—to consider whether we cannot contribute to the solution of this grave difficulty. The partial failure of our parliamentary institutions affects us in the most serious manner. The grievance is felt infinitely more by each individual voter or taxpayer or unit of the population, as such, than it is by members of the House of Commons in their special capacity. It is impossible for them to legislate in a satisfactory manner, and hard that they should be called upon to perform duties which they have no adequate means of performing ; but it is still harder for us that we should see the most valuable element of our Constitution rendered nugatory, and our representatives continually baffled in their efforts to carry out our behests. Our interest and right in the matter are superior to those of the House as a collective body ; and, from the moment when it appears that the House cannot extract itself from its difficulty, it becomes our duty to interfere on our own behalf. The House of Commons is our instrument and minister ; it rules us and makes laws for us only in the character of a delegation from ourselves. We claim absolute self-government in every particular by means of our representative institutions ; and we cast away the right of self-government when we cease to

control, to direct, even to dictate, the conduct of our deputies.

Looking, then, at the matter from our own point of view, from the most general point of view, how does it appear that the much-needed reform can be introduced into our parliamentary system?

As the majority of bodily diseases may be best attacked by applying a remedy direct to the seat and centre of the bodily functions, or as a scientific problem may often be solved by a reference to the first principles on which its conditions rest, so it would appear most reasonable to approach this failure of parliamentary government by going back to the axioms on which our English Constitution is based. Now it may be broadly stated that the right of self-government is that which, more than anything else, underlies our whole fabric of popular liberties, and which figures most characteristically in all our formal and informal charters. We have often claimed and vindicated our title to fix our own taxes, to pass our own laws, to surround our lives, property, homes, and privileges with safeguards of our own devising. We have established this self-government in matters of State more firmly and comprehensively than in matters of local and partial concern; but even in this respect the lines have been clearly drawn and the principles affirmed. We are a genuinely self-governing

community in a progressive sense. We know what we need far better than we know how to secure it; and few persons who have fairly thought the subject out will deny that the most hopeful remedy for all the ills to which the body politic is exposed would be a complete and elaborate system of self-government—self-government in as direct and immediate a form as practicable, and in local as well as in imperial concerns.

Is it not here, in fact, that we are able to discern the root of the evil which mars our parliamentary system, and which affects the nation at large in a double sense—first, as preventing or deteriorating imperial legislation; and next, as taking local authority and responsibility out of the hands which ought to wield it? If the House of Commons, by undertaking the regulation of purely local concerns, overburdens its strength, and renders itself less efficient in dealing with matters of national interest, does not the whole nation suffer by the result of this inefficiency? And if business might well be transacted by town councils and county boards which is now carried, at great expense, often with long delays, to the committee-rooms of the House of Commons, does it not follow that local interests must be prejudiced? It will hardly be denied that English communities (we would of course include Scotch, Welsh, and

Irish communities in the same term) have a just claim to the direction of their own exclusive affairs, so far as it is practicable to place the machinery of direction under their control. Almost every one will contend for the development and better organisation of the municipality or township, or county or division of a county, because every one belongs to a defined community of one sort or another, and must realise the importance of the local government which affects his property, his house, his family, his health, and his personal comfort. However strongly a man may advocate the centralisation of power as a general principle, he is not likely to overlook the fact that what are often called parochial matters can be managed far better in a vestry or a council or a court of quarter sessions than in Parliament. The difference between such a man as this and a man who would make a clean sweep of all the local legislation now taken up to the House of Commons is merely a difference of degree. The line must be drawn somewhere, and the only difficulty is to decide where it shall be drawn.

If, then, we may conclude that the relief of our overburdened House of Commons cannot be wholly effected by increasing the power of the existing legislative machinery of Parliament, and if it be admitted that the House undertakes a vast amount of local

work which it is unable to perform, the question remains,—In what manner can the needed relief be applied, and how are we to lessen the responsibilities of our legislators ?

It is plain that the tasks, if any, to be withdrawn from Parliament should be those which might be most appropriately performed elsewhere ; that is to say, tasks which are of special concern to particular portions of the empire, and which do not immediately affect the empire as a whole. Of these there may be said to be two kinds, which under our present system pass through the various processes of parliamentary discussion and enactment—namely, such as are of strictly local interest, in which the intervention of Parliament scarcely seems to be necessary at all, and such as more plainly require the sanction of the imperial legislature. Would it not be both practicable and wise to take the former kind out of the hands of Parliament altogether, and, with regard to the latter kind, to devise a plan by which certain regulations, drawn up in detail by local councils having an intimate knowledge of the matters at issue, should subsequently be referred to Parliament for its sanction alone ?

As for the special descriptions of work which might be at once and entirely transferred from the imperial legislature to local councils, it would not be

easy to determine such a question without first deciding what classes of local interests ought to be regarded as subject to imperial sanction, and what might safely be left under the absolute control of local authorities. It would, of course, be unsafe to draw a hard-and-fast line, but there is one principle which seems to offer as trustworthy a mode of distinction as any other. The great Parliament of the nation reasonably undertakes (or at all events ought to undertake) the control of matters which affect the whole population of the country, whether directly or contingently. By 'contingently' we mean in such a manner as to influence health or the general safety or convenience, which might be interfered with by the passing or the neglect of local regulations. On the other hand there are matters which can be most fitly treated on the spot, by men whom they concern, and in which the nation as a whole has no interest. If it is possible to say of certain questions pressing for solution in any particular locality that they affect the locality alone, and exclusively, and that the people of another locality would not be prejudiced by them, then it might be safe to leave the solution of such questions to the people affected. But if the matters at issue are such that the regulations of one district cannot but affect the inhabitants of another district, actually or contingently, then it would not be safe to

leave the various districts to legislate for themselves without control. The principle of centralisation must then intervene in order to secure uniformity in all essential respects. Each district should still have a voice in the arrangement, and each should be allowed to settle the details, if any, which are exclusively local in their effect; but the common principle which is to run through the whole body of regulations, the uniformity which is to govern the various local measures or enactments, must be determined by some representative body charged with the interests of the whole population affected.

These distinctions are, as a matter of fact, already recognised, and all that is necessary is to reduce the various methods of self-government to a coherent and logical system. The Local Government Board is just such a moderating influence as that we have indicated. It exists for the purpose of overlooking the regulations drawn up by local bodies throughout the country. In some cases its duty is merely to sanction and give authority to what has been agreed upon by the communities themselves. In other cases it has to listen to protests and complaints, and to interfere whenever interference seems necessary. This relation between the Local Government Board and the 'Local Parliaments'—as town councils and boards of guardians are often called—is, in theory, as nearly perfect

as we have any right to expect it to be, at all events under our existing schemes of popular representation. But there are drawbacks in practice which ought to be removed with all possible despatch, as soon as they are indicated and acknowledged. For nothing is more important to the wellbeing of the community as a whole, and nothing tends more to produce general satisfaction, order, and prosperity, than the constant improvement of the scheme of self-government under which our national life proceeds.

Before we consider how this scheme might be improved, and according to what pattern we should attempt to modify or develop our present institutions of legislative self-government, let us review the different classes into which the subject-matter of legislation may be divided, in order that we may discriminate between the proper work of Parliament and the work which should be entrusted to local representative bodies, with or without the control of a State department.

The necessary work of the Imperial Parliament includes, first and foremost, the regulation of the affairs of the nation as such. All foreign affairs, all affairs of the colonies and of India, all matters connected with the organisation of the army and navy, the levying of taxes requisite for the public service, the administration of the higher law-courts, the

schemes of parliamentary and municipal election, the normal education of the country, so far as system is concerned, the general superintendence of boards of health, the control of the Church establishment, so long as the connection of Church and State is maintained—these are among the principal duties of Parliament, reasonably devolving upon it, and incapable of being discharged by any other than an imperial authority. The duties in question partake of both a legislative and an administrative character, and are performed respectively by Parliament in session and by permanent departments of the Imperial Government. There may be a doubt, with regard to one or more of them, whether the administration might not be to some extent decentralised ; but if we confine our attention to the legislative functions of Parliament itself, we may take it for granted that the great council of the nation could not (with the notable exception of ecclesiastical legislation) be relieved of the work thus falling upon it.

It is when we cease to regard the interests, needs, and responsibilities of the nation as a whole, and turn to those of the subdivided nation—the needs and interests of the provinces, minor localities, and individuals—that we encounter duties and functions not so clearly devolving upon Parliament. To pass at once to the most extensive subdivisions of the

English empire, there are undoubtedly matters especially affecting Ireland (such as its fisheries, its internal systems of locomotion, and the like), Scotland, Wales, the metropolis of London, which do not extend over the whole of the empire, and which can scarcely be said to affect the general population, outside the particular subdivisions. And it is reasonable to ask that matters of this kind should be left untouched by the Imperial Parliament, and that acts and regulations, locally framed and determined upon, should be subject to State control, if at all, merely by the fact of their compliance with certain stipulations previously laid down by statute or by the order of a department.

Take, for instance, the case of railways. Under the present system of legislation, every proposal for a new line of railway has to be submitted to Parliament, and to an elaborate inquiry before a select committee. Crowds of witnesses have to be brought up to London, from the most distant parts of the country, and maintained there, at great expense, often for days and weeks together. Counsel have to be engaged ; and the legal firms watching over the interests of the promoters of and objectors to the railway must be personally represented in the metropolis. If the committee report favourably of the Bill, the whole House is required to vote upon it, and the scheme adds one

more to the hundreds which require to be pushed in any session through the entire series of legislative stages.

In this way there is a lavish expenditure of the time of our legislators, as well as of the money invested by the public in railway enterprises; and it may be doubted whether the results are in any way commensurate with the outlay. Is it necessary that all this should be done? Could not the merits and demerits of the scheme be equally well considered by a court of inquiry on the spot, which would at once reduce the unproductive outlay of the investors by a very large amount? Would it not suffice to send down an inspector and an assessor, as is done in many important cases by the Local Government Board, who would impartially hear evidence and arrive at a decision? There are doubtless some details of railway construction and management which must always be determined by statute; such, for instance, as the question of minimum fares, and especially the whole group of questions affecting the safety of life and limb. Parliament must always control such questions as these, in the case of railways as in the case of mines and factories; but there is no more need for the Imperial legislature to superintend the bringing of a railway company than there is for it to undertake the formation of a mining

or a manufacturing company. As for the necessary compulsion in the acquisition of the land over which a railroad is intended to run, this could be applied in respect of a scheme prepared and examined outside Parliament, and guaranteed by the representative of a Government department as satisfying the requisite conditions.

There are, as a matter of fact, many Bills, like those drafted for the Metropolitan Board of Works, which exact much less of the time and attention of Parliament than railway Bills, and which nevertheless involve an equal amount of enterprise, and embody compulsory powers. Even in regard to these it may be said that, as they do not touch Imperial interests, so they do not demand the care of an Imperial legislature, but might with reason and safety be left to the solicitude of local or partial representative bodies. It may be that no representative bodies actually in existence are of sufficient weight or influence to undertake the full charge of legislation in the case of the largest non-Imperial measures. That is certainly a defect in our system of general self-government which presses for remedy, and which in the meanwhile prevents us from affording the necessary relief to Parliament. It cannot be denied that a bold scheme of provincial councils, representative in the most ungrudging popular sense, having a legis-

lative power in all but the ultimate sanction of the most comprehensive measures, is urgently needed. We shall consider in a succeeding chapter how such a scheme might best be attained ; but first it may be as well to enumerate some other of the leading matters of which Parliament might fairly be relieved.

What we have said in connection with railway Bills would apply almost equally to Bills dealing with all descriptions of Public Works, such as the construction and maintenance of highroads, canals, and every other mode of intercommunication ; to Bills regulating the locomotion of men and domestic animals ; to Bills affecting health, the safety of life and property, the diseases of cattle, asylums, the relief of the poor, the levying and appropriation of rates, and the like. In regard to some of these, no doubt, the existing machinery of local self-government works fairly well ; and it is obvious that the control of the Imperial legislature is indispensable in cases where the general welfare would be prejudiced by the neglect of any individual local board, and where it is desirable that uniformity of method should pervade the whole system of local regulations.

Of course, the intervention of the State, in some form or another, is requisite as an informing and controlling power. Based as it is on the authority of popular representation, it is the fittest and fairest

mode of controlling the self-government of local communities ; and it is also necessary, in certain cases, as an umpire between different parties within the same community, or between two or more communities. But, whenever such intervention is not necessary, it is unadvisable and even mischievous. The State ought never to intervene either to check local measures or to undertake legislation for local interests, except on good cause shown, and for strong national considerations. But, as the existing system of local self-government is incomplete, it would be impossible to take away the superfluous work of Parliament and hand it over to the charge of efficient bodies throughout the country. We cannot hope to do this until we have perfected the machinery by which communities govern, or will hereafter govern, themselves.

CHAPTER IV.

LOCAL LEGISLATION.

THE tendency of recent legislation, or attempted legislation, for the improvement of local self-government in England has been in the direction of establishing larger councils than those which already exist, covering a wider area, and exercising a weightier authority. A development in this sense has at different times been demanded by men of all parties, more or less urgently ; though of course the schemes proposed have varied considerably. Some have been too ambitious in their aim, as though it were possible to secure theoretical perfection without passing through the intermediate stages of a systematic progress. Others have been propounded by cautious members of the governing classes, who would be afraid to disturb the existing order of things in the provinces unless they saw a chance of adding to the influence and power of the magistracy.

One of the latest suggestions of this kind was embodied by Mr. Clare Sewell Read, the member for

Norfolk, in a resolution which he succeeded in carrying against the Government, and which was followed in due time by the introduction of a Bill for the establishment of County Boards, fortunately abortive. Mr. Read is a tenant-farmer, and at the same time a respected unit of the Conservative party; and the conjunction is hardly one from which we should expect a very bold or thoroughgoing reform of the present system. Nevertheless, the resolution which he carried was one which aimed at the popularisation of local self-government by withdrawing a certain amount of power from the magistrates, and giving it to the representatives of the ratepayers. And both he and the other Conservatives who voted against the general body of their party made it clear that they had a genuine desire for such a real change, although they stopped short of the development which would have found favour with the majority of Liberals.

Undoubtedly, the most essential principle to be observed in any and every amendment of the present plan of so-called self-rule by communities is this, that the masses of the ratepayers must be more fully and more directly represented, and that their interests, as distinct from the mere privileges of the landowners, must be regarded as the primary concern of the elected councils. The ratepayers, who, for

purposes of organisation, are to be regarded as being the nation itself, must be veritably and actually possessed of the power of self-government by sections, by communities, by local aggregations, each complete and distinct, each well-defined and independent, and yet all framed and governed on a common plan, and subordinated to a common national authority, to wit the central council, or Parliament of the nation.

If the question be asked, on what plan or system this division of the nation into self-governing communities might best be effected, we would reply that this is a matter of comparatively small moment. The one thing necessary to a healthy national life is that the subdivision should exist. And it is clear that an organisation based on and developed from such a groundwork as we find ready to our hands would be infinitely preferable to any artificial scheme which might be adopted as more theoretically perfect. In fact it would be impossible that any artificial arrangement of districts for the purposes of self-government should be successfully applied. The truest justification of the claim to local self-rule consists in the identity of interests and feelings amongst the general body of the community putting forward the claim ; and this justification would not exist in the case of districts mapped out on a scale of miles or population alone.

There is, indeed, no necessity for the districts to be equal, or even approximately equal, to each other in size. These considerations may rightly apply to a system of representation, as, for instance, in deciding the extent of parliamentary constituencies ; but so far as the size of self-governing communities is concerned, it does not appear that numerical equality is an indispensable requirement.

We have in England various subordinate divisions of the State, all governed more or less on principles of local and exclusive application, which it is impossible to neglect in any attempt to secure a more thorough organisation.

1. We have the very imperfect village community, with its outline of parochial government, with its vestry, its guardians, its parish officers, its police, its unpaid magistrate or magistrates, resident in the village or close at hand.

2. We have the like machinery in the smaller towns, a little better arranged and more efficient ; and, as the towns rise in importance, we have bodies of town commissioners, in addition to the boards of guardians, police courts, school boards, and so forth.

3. We have the municipal corporations, with mayors and aldermen, presiding over the town councils, with or without recorders or stipendiary magistrates.

4. We have the county court districts, with their resident judges, and the legal machinery set in motion by them.

5. We have the lord-lieutenants and deputy-lieutenants of counties, the sheriffs and unpaid magistracy, whose jurisdiction extends over a whole county, primarily in petty sessions, and then, with larger authority, by way of appeal from the petty sessions as well as of general government, in the courts of quarter sessions.

6. For certain restricted purposes we have the union of several adjoining counties.

7. Lastly we have, in actual existence, and with by no means absolute force, the distinct laws, regulations, customs, and privileges of Scotland, Ireland, the Isle of Man, the Channel Islands, all differing in some respects from the laws and privileges of England.

Throughout this scale of local self-rule, in which so many distinctions are to be observed, we find everywhere present, though in different forms, the evidence of a fulfilled desire for local self-government amongst our fellow-countrymen, asserted at various times, and obtained piecemeal, without much harmony in the method of application. To a very large extent, unknown in many countries where the system of subdivision is theoretically superior, the

people of England do already govern themselves in their local communities, and hold themselves independent of external control. With more than a few reservations, it is true, but still in a very real sense, the nation is self-governing, and enjoys communal freedom ; and hence it follows that the great need for us at the present moment is rather to develop what we already possess than to seek for something new of its kind.

How, then, may we develop our existing institutions? How may they be further harmonised and organised, so as to combine them into a complete and efficient system of self-rule, capable not only of satisfying the needs and aspirations of the communities, not only of utilising the actual forces of the communities to the fullest extent, but also undertaking the whole work which may fairly devolve upon them, and so relieving the Imperial councils from non-Imperial duties?

One of the first things which would be likely to strike a foreigner in taking his survey of our English modes of local government (though the remark applies in some measure to Imperial concerns as well) is the notable extent of the voluntary service rendered by Englishmen to the communities in which they live. Very many of the officials we have mentioned are entirely unpaid and unrewarded, except

by the dignity and occasional influence attaching to their office. The magistrates in particular, upon whom a large amount of practical local work, of a most important and often critical character, is thrown, who exercise the functions of judges of first and second instance, and who are responsible for the general condition and expenditure of their several counties, are wholly unpaid. So also are the vestries, the boards of guardians, the town commissioners, the town councils and mayors, the school boards. This is a fact of which Englishmen have reason to be proud. No doubt there are special cases in regard to which the honorary character of particular offices is a disadvantage, and in which the work might be better done by paid officials. But in the majority of cases the existence of this voluntary co-operation in self-government is a matter for congratulation; and it would be a most dangerous experiment, not to say a fatal mistake, to sweep all this elaborate machinery on one side.

It may be urged that the individuals who perform these duties without imposing any charge for their services upon the resources of the ratepayers are, necessarily, independent men, of more or less considerable private fortune, so that the dignity and satisfaction of office in local communities fall to the wealthy alone, thus aggravating the evils which spring

from class distinctions. This is true ; but it is inevitable. They who can devise a method by which men who work hard for their living, whether as artisans, or as tradesmen, or as professional men, can also contrive to exercise the duties of magistrates, or town councillors, or members of school boards, and the like, may be in a position to suggest a remedy for the evil ; but meanwhile there seems to be no alternative but to submit. It is only when individuals of the hard-working classes have begun to make their way, and to have some portion of their time at their own disposal, that they can aspire to take their places on the boards and benches of our local parliaments. We do not say that there is no unreasonable exclusiveness on these boards and benches. On the contrary, we believe that much may be done to render the work of local self-government a more open career. The appointments of magistrates, for instance, too frequently depend on the mere caprice of a lord-lieutenant, or on the party feeling of local wire-pullers. But the cliquism and exclusiveness of the magistracy has its counterpart in the same unworthy phenomena amongst town councillors and vestrymen. The principle of popular election is a valuable one, but it does not guarantee us against unworthy influences. It would, undoubtedly, be for the public welfare if the higher

honorary positions were easier of attainment to men of character of slenderer means, and if the similar positions of a subordinate character, commonly occupied by tradesmen and retired tradesmen, were more easily accessible to artisans.

We believe it is in this direction that we may see our way to one of the initial modifications of existing institutions which would lead to greater efficiency in the general organisation. By thoroughly systematising and popularising the voluntary work which is rendered to the community in so many various modes, we should improve our local administration, especially by the increase of its capacity for undertaking large and wide-reaching measures, and so relieving the Imperial legislature.

It is no doubt inevitable that voluntary offices of every kind should be discharged principally by wealthy men ; partly because such men have the necessary time at their disposal, and because they secure authority and dignity by their independence, but also, to some extent, because they have had special training for their work, whether in the occupations of business before they obtained their independence, or by previous education and preparation for the task. But whilst it is advantageous to the community that the services of independent volunteers should be retained, and whilst these volunteers will always, in the nature

of things, perform the bulk of the work, they ought not in any shape or form to have the exclusive privilege of discharging the functions depending on voluntary effort. There ought to be no monopoly of voluntary service. This should be a simple truism, and nothing more ; but the fact is, that an exclusive privilege and a monopoly really do exist, and constitute a grievance to a numerous section of the community. This grievance might be largely obviated by abolishing the property qualification for office, wherever it still survives. It is not easy to see a reason for a property qualification of any kind, or for any sort of office. A guarantee or security is necessarily required from clerks and others who are intrusted with considerable sums of money. But the man who is elected to discharge certain duties, however important, by his fellow-citizens ought not to be barred by the absence of a property qualification, which is really only a pecuniary guarantee in a disguised form.

By this and other modifications, the voluntary service of the community might be made more of an open career, and the effect would be to increase the general intellectual force of our local governing bodies. But the question would then remain, whether the powers now given to boards, benches, and committees of voluntary workers are in every case rightly so given, and whether some of their functions might

not profitably be withdrawn from them? It is clear that there are certain kinds of duties which would be better performed by paid than by unpaid officials, as, for instance, when the performance requires a special professional training, like that of a barrister-at-law, or of a judge. Paid servants are more amenable to discipline, and more under the control of a department or a minister, than are the voluntary servants over whom no rod of terror (except that of dismissal) can be held. Even public opinion has less command over an unpaid than over a paid official ; and there are duties the discharge of which ought to be continually subject to public animadversion and criticism.

Of such a character are the duties of the unpaid magistracy, in so far as their jurisdiction in petty sessions is concerned. It has long been a question whether the administration of the law now intrusted to the borough and county magistrates ought not to be handed over to stipendiaries, who would bring their special training and experience to the task, and so avoid many a scandal otherwise inevitable, arising from ignorance or prejudice or class feeling, justifiable or not. The balance of argument, in our opinion, conclusively tends to such a substitution of paid for unpaid services on the bench. But in the case of county magistrates, and supposing that

stipendiaries do not take their places, it would seem to be preferable that the power of selection, now exercised by the lords-lieutenant, should be vested in the communities themselves. For if the magistracy were made to depend upon popular election there would be additional reason for ordaining that the choice should be made amongst men who are most fitted for the magisterial bench, by reason of their conduct, character, and attainments. A number of magistrates (though happily a small minority) appointed under the present system are notoriously devoid of all these three qualifications.

But if this 'stipendiary reform' were accomplished, and the country gentlemen were relieved of their duties as administrators of the law, it would be necessary to utilise their services in some other mode than as magistrates sitting in petty and quarter sessions. A large and very important part of their work—the financial and economical government of the counties, the management of roads and bridges, of police, of asylums, and so forth—would still remain to be done. It would be done all the better for the abolition of their magisterial functions; and all the better, too, for the removal of such barriers as that of the property qualification. Moreover, the argument which tells against the conclusive appointment of the county magistrates by the lords-lieutenant would apply

with still greater force against the arbitrary selection of a body of men who, no longer judges, would yet have the whole local government of the country on their shoulders.

It follows that this change, so steadily demanded by popular opinion, would lead to a system of representative county boards, as a reality and not a mere name, and as a substitute for, not an addition to, the local magistracy. We can easily conceive the shock of such an idea to those who value the magistracy as an institution of the country. To some the idea may seem to involve almost a revolutionary programme, not to say a profanation or a confiscation. But can it be doubted that this is the tendency of the proposal for county boards as introduced into the House of Commons by a Conservative, and there adopted by a majority and accepted by the Government? There is nothing revolutionary in the scheme, except in a good sense. The dignity of a member of the boards would not be less than that of a magistrate under the existing order of things. Rightly estimated, the mandate of the community in which a man lives, bestowed by a free and popular vote, is superior to the mandate of a lord-lieutenant. And there is no doubt that the best of the present magistrates, and a considerable majority of them, recruited by others of worth and ability, would

receive the popular vote in their candidature for the local parliaments.

These county boards would in reality be local parliaments; and no words are needed to prove that they would be capable of a far greater amount of work than the present quarter sessions, or any other existing local machinery. It is a question which would have to be considered, how far the duties of the boards of guardians might be merged in those of the county boards—or, in other terms, how the guardians might be subordinated to these boards. The scheme introduced by Mr. Sclater Booth (which of course did not contemplate any interference with the magisterial duties of the magistrates) provided for the partial constitution of the boards by the elected guardians. The boards would have been only partially elective. The bulk of their members were to have been chosen by the lords-lieutenant, others by the guardians, and scarcely any (if any) by direct representation. Such a plan, it is manifest, would never have satisfied the aspirations of the country for an increased measure of self-government, as indeed it did not satisfy the desires of the country gentlemen and tenant farmers who had asked for the establishment of boards. What is really necessary in the interests of the community at large is a local parliament in every county, or division of a large county, elected

by the broadest possible constituency, with the fewest possible restrictions, with power to transact as much of the local business as may safely be taken out of the hands of the Imperial Parliament. Some such plan as this appears to be indispensable if we are to give satisfaction to the ardent and characteristic desire of Englishmen for self-rule in local communities.

It is not necessary to consider, before the general principle of this reform is accepted, what ought to be the details of a scheme which would organise the whole of Great Britain and Ireland for purposes of local self-rule. The wildest idea of all would include India and the Colonies in the network of communities exercising quasi-parliamentary, or at all events definite municipal, powers. The fact is that most of the larger colonies of England already enjoy the autonomy which (in a qualified sense of the word) is asked for on behalf of English counties. In any case it would be sacrificing a great opportunity of conciliation, and many would cease to struggle for the reform at all, if such a scheme were contemplated without taking account of the requirements of Ireland. Not only Ireland but Scotland and Wales might have to be regarded as separate communities, entitled to separate self-rule. In England it would suffice to give representative councils to the forty counties ; though the metropolis (with or without half a dozen of the

largest provincial towns) might be taken apart from the county limits, and governed in local matters by a separate municipal council.

It would be impossible, and very unwise even if possible, to destroy the existing municipal self-government of the towns, and nothing which we have said is intended to imply this. It is a question for consideration whether and how far the local government of our cities and towns should be identified with, or subordinated to, the new county governments thus created ; but whatever might be done in this direction, the internal affairs of a town already enjoying self-rule could not be arbitrarily handed over to a county board or the general council of a county.

Let it be assumed that these General Councils or Boards have been established, the members being elected by ballot from a constituency of ratepayers, with a franchise certainly not less broad than is indicated in the payment of county rates. The leading classes of subjects which come within the domain of these councils would be as follows :—

1. The assessment and levying of the county rate ; and, possibly, the levying of the Queen's taxes as assessed by the Imperial Parliament.
2. The annual discussion of the county budget.
3. The public works of the counties, including

the making and maintenance of roads, and the control of every mode of intercommunication within the county, limited by whatever imperial control might be deemed to be indispensable.

4. The regulation of asylums and other public institutions within the county.

5. The police and sanitary arrangements.

6. The charge of the poor.

7. The control of the administration of justice, so far as local control might be permissible.

8. Generally speaking, the control of schools, prisons, and local administration of every kind, subject to the direction or sanction of the several departments of the State, which would see to the maintenance of uniformity of system throughout.

The first observation which occurs in connection with this programme of local self-rule is that some of the labours of the county boards or councils could not be carried out without affecting the inhabitants of adjoining counties, or even of the country as a whole. Such would be the control of modes of intercommunication, the management of the poor, sanitary regulations, and the regulations affecting the transit of cattle. In addition to these, there would be a necessary balancing of accounts between county and county, which would involve a periodical conference on the part of different boards.

Now it is precisely here that the most important relief of the Imperial Parliament might be brought about. A great deal, of course, would be done with this result by leaving to local legislation the bulk of the work which is now effected by private Bills in Parliament, and by select committees of the House. But the relief might go further, and Parliament might wash its hands of much of what it now undertakes in the character of an umpire, or for the purpose of insuring uniformity in the regulations of different localities, or the like. That which would be necessary would be the occasional or periodical conference of the boards of contiguous counties, or of a group of counties, in order that a common course of action might be agreed upon whenever it might be requisite. This common course (as, for instance, in the construction and working of a railway, canal, or high-road, or in the framing of by-laws for the management of a river, or in the regulations affecting the transit of animals, or the movements of tramps from district to district) would have to be sanctioned by a Government department, to which also might be referred any protests or appeals on the part of minorities of rate-payers.

We are aware of the slender nature of these suggestions on matters of such vast interest and concern to the community at large. But they are only sug-

gestions, and are not put forward as being definite propositions in their ultimate and most practical form. No apology is needed for the expression of opinions calculated to stimulate the discussion of topics so closely affecting the welfare of the nation ; and there are few topics which will answer this description better than that of the system of local self-government, as it actually exists, and as it might be modified and developed. This is, indisputably, one of the great questions of the day, and the one which presses most urgently for solution. A hundred particular reforms will be found to be involved in it ; and the statesman who is bold enough, wise enough, and happy enough to work out the problem will deserve well of his country.

CHAPTER V.

LIMITS OF PARLIAMENTARY GOVERNMENT.

IF there is one thing more than another on which Englishmen fix their attention, when discussing a fact or a problem in the domain of English government, it is the authority and supremacy of Parliament. Nor is this in any sense a matter for surprise. Parliament is at once the means, the symbol, the bulwark of our popular liberties; it has originated and developed by virtue of our national character, and is indissolubly associated with our national strength and glory. It was through Parliament that we exacted and maintained the great charters of English freedom, through Parliament that we curtailed the prerogative of the Crown and entered into an equitable contract with the Houses of Orange and Brunswick. Parliament has laid its restraining hand upon the sacerdotalism of the Church, and has held in check, though it has never adequately disarmed, the masterful spirit of feudalism. An Act of Parliament has come to be the most effective and

mighty instrument of authority in the nation, for it can alter the most venerable law, overrule the most powerful individual, and circumscribe the privileges of the monarch himself.

All this being admitted, we think that we are apt to lose sight of the limits by which the authority of Parliament is bounded. Or rather, we are apt to regard Parliament and parliamentary government in their present form as nearer to perfection than they can fairly claim to be. No doubt the representative expression of the popular will, pronounced in the national assembly within a reasonable time after a general election of delegates, is the highest authority which it is possible to conceive in a self-governed, democratic State. A parliamentary institution such as this responds to the very conception and definition of political liberty as it has always been understood in England. But in order to attain satisfaction in the development of this idea, it is necessary that the system shall be carried out in its most thorough signification. It would be absurd to speak of parliamentary government as the best kind of State rule so long as the system of election, representation, and legislation is so far from what it ought to be. Government by means of party, in a Parliament of the present complexion, cannot be such as we should care to

stereotype and abide by. But the Parliament which we can picture as the ultimate development of democratic ideas in England, the members of which should be freely and frequently elected by the widest possible electorate, unshackled by qualifications of property or income, unimpeded by personal influence or intimidation, and sitting in the national assembly as delegates faithful to the behests of their constituents—a Parliament chosen for the purpose of giving effect to a particular programme, and incapable of continuing in session for years after that programme has been completed or abandoned—a Parliament thoroughly master of its own time and energies, in harmony with the manifest tone of public opinion, and incapable of acting in contradiction to it,—this would be as near an approximation to our ideal as we have any right to expect. It would approach perfection as the popular mind which informed it approached the condition of perfect intelligence, education, and self-restraint.

The extension of the franchise to the poorest of responsible ratepayers, and to ratepayers independent of sex, together with the shortening of parliaments to three or five years, would take us very far towards that goal of genuine self-government which we aspire to reach. We cannot as a nation have a complete control over our destinies, nor can we

take the entire responsibility for our present fortunes and future welfare, until we are able to trust the people as a whole, in every class, with the right to exercise its choice of representatives. Nor can we look to Parliament for full and faithful obedience to those from whom its commission is derived, so long as it has the power of setting the constituencies at defiance for the greater part of a seven-years' term. Almost all other necessary reforms would follow from the attainment of these two ; and without them very little can be done to popularise our national assembly.

The grand requisite in all parliamentary reforms is that we should recognise the popular supremacy as the central and deciding principle. Parliament must be essentially the servant and instrument of the people ; and so each member of Parliament must be, in the best sense, the servant and instrument of his constituents. The time has gone by when a man, having bought or otherwise secured the ornamental letters M.P. as a garnish to his name, could maintain without fear of contradiction that a member, once elected, was virtually independent of his constituents, and not their responsible delegate. The idea and the statement are not very old, and they may still be adhered to by men who regard the House of Commons rather as a comfortable club than as an assembly of

capable and hard-working representatives. But the notion would no longer be maintained by any one worthy of the repute of statesmanship. It is impossible logically to exclude the idea of delegacy from any system of representative government. A delegacy implies a commission given by a body of constituents to the man whom they select to represent them, and this again implies that the delegate should perform his mission, and consider himself responsible for the exact representation of their views and wishes. Hence it follows that a Parliament must be individually and collectively answerable to and dependent upon the wishes of the constituencies.

It seems to be an unavoidable conclusion, and one not superfluous to draw when there are so many men who absent themselves from divisions or even turn their backs upon their professions, and yet refuse to resign and appeal again for election (if they please) on their new platform—it seems to us, we say, a logical and righteous necessity that no member of Parliament is justified in retaining his seat after he ceases either to represent or to hold the opinions of the constituents who elected him, and who sent him to Parliament, not for his own pleasure or to follow his own diversions, but to work and to vote in the spirit of his solemn engagement. And, of course, the same argument applies to Parliament

as a whole, and to the party of the majority, and their leaders in the Cabinet, in particular. No Cabinet can justifiably remain in office after the balance of public opinion in the country has turned against them.

But there are occasions, and any of us can call such occasions to mind, when it is more or less doubtful whether the constituencies are decisively adverse to the Government of the day. Sometimes the country will speak unmistakably. Speech after speech, meeting after meeting, backed by the unequivocal voice of the press, will declare against a ministry, which will be driven from power amidst a storm of obloquy. But this is not always the case ; and it is natural that ministers should be slow to recognise the change of public opinion and sentiment, even when a candid looker-on is convinced that they ought to give way. It is easy to see how such a state of things, when it occurs, is likely to affect the welfare of the nation. No useful legislation is possible so long as there is reasonable doubt as to the acceptability of the Government to the general body of the community. Discontent outside of Parliament, languor and indifference within, is inseparable from a condition of affairs in which the legitimacy of the popular commission has come to be suspected. We have had too

many illustrations of this evil during recent years not to be aware of the waste of time which may be caused by the continuance of a Government in office after its commission has virtually expired. It is surely contrary to the interests of the nation that a Parliament elected in a given year, for the accomplishment of a given purpose, may continue to exist five or six years later, under a very different set of circumstances, and when the tone and even character of the constituencies may have been modified in an important manner.

What, then, is the remedy for this evil? And how may we save ourselves the loss and injury entailed by these moribund and unimpressionable Governments?

The answer is contained in what has already been said on the subject of shorter Parliaments. The commissions of the people to its representatives should be given more frequently. There should be a narrower limit to the term of office of any individual or group of individuals, and the constituencies should be oftener called upon to express their approval or disapproval of the work of their delegates. The result would not be that a worthy minister, an efficient Government, or a serviceable Parliament regarded as a whole, would be dismissed from power more speedily than they are at

present. On the contrary, the country would be likely to retain its best servants for a longer time ; since a three or four-years' mission, faithfully performed, would constitute a stronger claim to the renewed suffrages of the voters than if it had been succeeded by one or two wasted sessions.

It will probably be admitted that triennial or even quinquennial parliaments are theoretically preferable to the seven-years' term now permitted by the Constitution. It was one of the affirmations of the Bill of Rights that 'for the redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.' This was a provision directed against the practical abrogation of parliamentary government under the Stuarts ; and the principle there laid down has been so well observed that there has never been a year since the accession of William III. to the throne without a session of Parliament. As for the natural duration of a Parliament when once elected, nothing definite was laid down before the year 1694, when the Triennial Bill limited the term to three years. In 1716 the Septennial Bill was passed, the Jacobite disaffection and the general disturbed condition of the country having much to do with this retrograde step. But many proposals to return to the triennial system have been made since that time. That the attempt

has not succeeded, is chiefly, perhaps, because the power of Parliament has rarely been abused by the persistence in office of a specially obnoxious Government; though there have been occasions within the past two centuries when the claims of the people in this respect have been scandalously ignored.

The main issue involved in this question of parliamentary terms is this. What would be the most potent remedy for the evil suffered by the constituencies when a Parliament outlives the spirit of the commission intrusted to it by the people? It is the business of a progressive and broadening Constitution to furnish a remedy for every proved evil; and if, for this particular evil, there is a remedy which is within the spirit of that Constitution, and is easy of application, no minor obstacles ought to be permitted to stand in the way of its acceptance. Is not such a remedy to be found in giving to the country the opportunity to elect its representatives at more frequent intervals? Is it not such a remedy that will most effectually restrain the undue influence of the Crown, and vindicate the supremacy of the popular will?

It has been argued that more frequent general elections, with all the attendant expense, excitement, and interruption of regular employment, would do more harm than good. Candidates would have to

spend more money, the popular mind would be more subject to a hurtful political ferment, and there would be an increased tendency amongst the voters to neglect their ordinary pursuits. The objections urged in the great debate in 1780, when Burke delivered one of his most impassioned but least effective speeches against the repeal of the Septennial Act, may be compressed into these three contentions, beyond which we do not know that there are any reasons against triennial parliaments which are still forcibly or tenaciously maintained.

What, then, is the value of these contentions? Let it be remembered that the average duration of parliaments is considerably under seven years; it is under six years; and if those parliaments be excepted which have been dragged out in violation of the spirit of the Bill of Rights, the average duration would be found to be under five years. Thus the return to the older term of three years would not necessitate a general election twice as frequently as at present. The probability is that the three-year term would rarely be shortened by a dissolution out of due course, or at all events less rarely than the longer term.

But as to the argument of expense, in so far as it is a strong one, it tells on the other side. The cost of 'getting into Parliament,' as the phrase

goes, is a scandal and disgrace upon our representative institutions, which we confidently look forward to see gradually removed. Something has already been done in that direction by lowering the property qualification, and by amending the electoral laws; though it cannot be admitted that the property qualification has been abolished so long as a candidate is compelled to give security for the payment of his share of what is really needless as well as needful expenditure. When it becomes practicable for any man (the poorest as much as the richest) to stand upon his merits, and to represent any, the poorest, constituency, the argument based on the cost of a general election will dwindle away. In this view the advantages of frequent parliaments are so great, and the saving to the country would be so immense, that the contention in that case would be absurd. Moreover, the expense often incurred under the present rotten system by 'nursing' a constituency, and by playing the rôle of candidate through one or two or seven years, is probably much heavier to candidates and members than the pecuniary fine would be if the triennial system were adopted.

As for the hurtful ferment of the constituencies, which, it is alleged, would be greater in the case of triennial than in that of septennial parliaments, we do

not believe it. The political excitement implied in discussing and agitating for reform is essentially healthy, and can be deprecated by no man who desires that the country should advance step by step, reason by reason. The really hurtful excitement, injurious to individuals and to the community, is that which springs from the neglect of popular wishes, from the delay of much-needed measures, from the presence in office of men in whom the country has lost confidence, and from other obstructions of national progress. Much would be done to clear away these obstructions if there were a regular appeal to the country once in every three years. As it is, the last two or three years of a septennial parliament—in some cases, as no living Englishman can be ignorant, the last four or five years—are apt to be a period of constant and harassing discontent, agitation, and political passion. So far from evil of this kind arising out of the change of system, we believe that the effect of triennial elections would be in the opposite direction, and that the heat of politics, in the most obnoxious sense, would be mitigated and allayed. The certainty that every third autumn would bring an opportunity of intrusting a fresh mission, either to the same or to fresh representatives, would prevent the constituencies from agitating for a dissolution, or would reduce such agitation within the narrowest

limits. The renewal of Parliament would be effected as punctually as the renewal of the school boards, except on the rare occasions when a single session, or two sessions, sufficed to show not only that some particular Government could not satisfy the country or lead the House, but also that no combination amongst the party leaders could carry on the public business.

Much the same considerations will apply to the third contention, namely, that triennial elections would unduly interrupt the business of the country. The regularity of the interruption, and the avoidance of the long seasons of suspense which form one of the strongest arguments in favour of an amendment of the law, would be preferable in a dozen respects to all men of business. In point of fact, the objections appear to shrink away the moment they are grasped, and we know of no substantial reason that can be brought forward against this proposed change in the duration of Parliaments.

The most important advantage which would be gained by undoing the hasty work of 1716 would be that the control of Parliament by the people, now almost at a vanishing point, might be restored. This control, which ought to have been increasing, seems to have been growing weaker and weaker. Recent history has shown that a 'Ministry' may not

only be a powerful and autocratic 'Government,' but also a virtually despotic Council of Twelve, during nearly seven complete years. It has been shown that a Premier, assuming office without a definite commission from the country, beyond the understanding that he will give the people rest from so-called exhausting political effort, may devise and carry out a policy absolutely startling by its bold and novel enterprise. It may be a good or a bad policy ; but anyhow it is the offspring of Lord Beaconsfield's ingenuity. Coming into power more by the dismissal of his rival than for any confidence inspired in himself, he has acted as though he personally had been chosen to do that which his ambition, or his connections, persuaded him to attempt. If the policy thus entered upon happens to be rash and injurious, still the man who has devised it, the leader of a triumphant party, is sure of support in the House of Commons ; and the more skilfully he contrives to give to his action the colour of patriotism and popularity, the more certain he is of keeping his parliamentary majority.

Under these circumstances a majority in the country is cajoled into accepting the ideas of an ambitious statesman, or else the burden is thrown upon it of exposing and counteracting his schemes. But, under our existing system, this is an immensely

difficult task. To begin with, the majority which sees through the device and cajolery may be a small one. Time will be needed to build up a strong and resolute opinion, proof against the subtleties by which the shallower masses are misled. Even then the power of expression is limited ; and still more limited are the means by which popular opinion may receive operative effect. There may be abundant passion, vigour of speech, determination to seize the first opportunity of driving the Government from office ; but the difficulties are enormous. There may be four, five, or six years to wait for a general election, and meantime the whole advantage of the situation lies with those who are on the defensive.

The supremacy of the popular will, in a condition of things in which all this is possible, is clearly balked. It may exist theoretically, and may be asserted in the long-run ; but the country may be brought to the verge of ruin before the voice of the majority is obeyed, or, which is the same thing, before the voice of the majority is elicited by an appeal to the constituencies. There is no true self-government, no genuine democratic freedom, under such circumstances. Nor is it possible that there should be, so long as the powers of Parliament are not limited by an easy, a speedy, and an effectual appeal to the people.

There is one more consideration which must be taken into account in estimating what the claims and the force of the popular will really amount to. Public opinion is the opinion not of voters only, but also of a very large body of men and women who are not voters. Some of these are amongst the best ranks of the population, persons of intellectual as well as social eminence, whose thoughts and words are in the highest degree influential, whilst others constitute whole strata of society, to whom a jealous electoral law has yet denied a vote. The unfranchised include all women, ratepayers or not, all members of families not being actual householders, all dwellers outside the boroughs who do not rent a house of considerable value, as well as the agricultural labourers in a body, and very many respectable artisans coming just below the assigned standard. None of these must be omitted from the list of persons who create and control public opinion ; and yet they are wont to be left out of sight in considering the relations which ought to exist between an elected Parliament and the people at large. Virtually it is to them, as well as to the voters, that an appeal is made at a general election, and it is into their hands, unfranchised as they are, that the limitation of parliamentary government must ultimately be confided.

A clever election agent knows the value and

the power of non-voters no less than of the voters. How long will it be before the Legislature perceives that the surest foundation of any representative system is upon the voice and the will of the entire nation?

CHAPTER VI.

THE ELECTORAL WEAKNESS OF LIBERALISM.

IT is often mentioned as a reproach against Liberals that they are not sufficiently united amongst themselves to be a strong political party for party purposes. Whilst the Conservatives are disciplined, and acknowledge the subordination of ranks, from the parliamentary leader to the humblest voter, their opponents are generally split up into factions, each doing what is right in its own eyes, and obeying their appointed officers only when their own pet projects and crotchets are not involved. Thus it happens that Liberals are often beaten in detail when they could have commanded an actual majority, and the Conservatives gain victory after victory by the mere force of superior organisation.

This is true enough. The reactionary or stationary party ought rarely or never to hold office in England, except as a stop-gap at particular crises, or during periods of reactionary panic. Their success is due at all times to their greater adhesion to one another

to their mass-thinking and mass-voting, and to the wilful independence of thought and action displayed by the party of progress. It is a matter of course (though there are plenty of Conservatives who will deny the fact) that the bulk of the population of Great Britain is essentially Liberal in tendency, not to say democratic or radical. Limited as the franchise still is, the great majority of the voters are thoroughly Liberal in opinion. In 1874, during the most notable reaction of modern times, it has been shown that a Conservative Parliament was returned by an aggregate vote which was of a Liberal complexion. The paradox is accounted for partly by the unequal distribution of seats, which gives a representative to a hundred votes in one part of the kingdom, to twenty thousand in another. But it is also explained by the fact that in a number of boroughs and counties the nominees of different sections of Liberals were found scrambling for a seat, thus dissipating a Liberal majority of electors, and allowing a minority of Conservatives to bring in their candidate. And a further explanation, still more unsatisfactory, is that many who had previously voted for supporters of Mr. Gladstone were known to have abstained from exercising their franchise in 1874, or to have recorded their votes for a Conservative, because on one or two special questions

the Administration of 1868 had displeased them. Yet these voters, however misguided, are still in the long-run to be regarded as Liberals, and will probably vote for a Liberal candidate during the remainder of their lives.

We are aware that Conservative theorists have tried to show that the bulk of English voters are not necessarily, or even actually, Liberal ; and they maintain that the lower we may choose to carry the franchise in the social scale, the more likely we are to hit upon political strata which are characteristically and constitutionally Conservative. They bring forward the election of 1874 as an illustration of this alleged fact ; and occasion was taken of the result of that election to extol the wisdom and foresight of Lord Beaconsfield, who extended the suffrage in 1867. Even Liberals have been attracted by this paradox, and men as sound in their general sentiment as Mr. Lowe have brought themselves to think that the further lowering of the franchise would be prejudicial to the cause of progress.

It is not always easy to expose a fallacy, and perhaps there is no need in the present case to attempt it. There are probably not very many Liberals who have accepted the paradox thus adroitly provided by Lord Beaconsfield and his friends. But it certainly does not seem consistent

with a robust Liberalism to be so sceptical of the common sense, the self-interest, we had almost said the sanity, of the poorer classes of Englishmen as to doubt that they will use their enfranchisement, as fast as they attain it, in the steady pursuit of radical reform. Nothing which has gone before amounts to a proof that the voters added to the constituencies in 1867 turned the scale in favour of the Conservatives in 1874. The behaviour of the artisans, both then and since, tends in an entirely opposite direction, and justifies our confidence in their political constancy. As for the lodger franchise, there may be a doubt upon the point, but that franchise was not an extension in the sense we have been considering.

At any rate the new regulation of 1867 would not account for the electoral weakness of the Liberal party, which had often been noted before that date, and which has received a more conspicuous illustration only within the past decade. The nature of this weakness, its causes and its justifications, must be sought for in the very elements of Liberalism itself. Liberals are the worst possible components of a militant political party, considered as a party alone. Each individual is so eager in his opinions and aims that it is impracticable for long together to keep a large number of them in the ranks. Aggressive resolu-

tions in favour of popular progress, reform of abuses, and the like, are arrived at by deliberation and conviction ; and a man whose principles are thus formed is not suited for a discipline in which convictions must often be kept in the background, and principles postponed to the word of command. Amongst a thousand Liberals, all able to give a reason for the faith that is in them, there are of necessity almost a thousand distinct parties ; for each one is tolerably sure to lay stress upon some particular plan or measure of reform, which he is tempted to press forward in season and out of season, at the expense of every other. Conservatives have the inestimable advantage—from the party point of view—of having no specially definite programme, except the negative one of checking progress and staving off reform. No doubt they do this with a conscientious motive, in order to make assurance doubly sure as to the value or necessity of every attempted change. They are like a farmer who puts off his own seed-time until the summer, though he would gladly reap his neighbour's corn in the autumn. But even this is not more unreasonable than the conduct of many Liberals, who expect that all their neighbours should neglect the great staple crops in order to come and help him with his little harvest.

The rank and file of the Liberal party can

nowhere be studied more effectually than in the heat of an electoral contest. It is precisely then, when they ought to be at their strongest, that they are not infrequently the weakest. There are, perhaps, half a dozen candidates, where there ought only to be one or two ; there are a dozen test-questions, when all should be united upon a broad and simple platform. A good candidate may have been secured and approved by the general body of the party ; but there are a few crotchet-mongers (enough to turn an election) who will not be satisfied unless they can extract a series of pledges from him in favour of a score of more or less trivial, and sometimes incongruous, devices. The unlucky candidate writes his address and delivers his speech, but as often as not he has to stand the fire of a tedious cross-questioning from men who are more zealous than wise. All these things are obstacles to successful party discipline, and are rarely met with amongst our political opponents. But at the same time they show, far better than mere serried ranks and imperturbable silence, the eager political feeling, the enthusiasm for reform, which characterise the Liberal party. And this feeling of enthusiasm is a stronger foundation on which to build and rely than the passive resistance to the advance of the nation which often stands for political principle. The story of Mrs. Partington and her mop admirably

illustrates the conduct of those who consider resistance to change as the cardinal point of their political faith. The result of such a faith is that the triumph of those who profess it never endures longer than the period of reaction which brings them to the front. Whilst the tide is ebbing, the mop may be effectual, but as soon as the ebb is finished, and the waves advance again, a whole army of old women will not suffice to check the flood.

The time when the real strength of the two opposing parties may be most effectively compared is when the country is bent upon a great forward movement, a genuine and thorough reform, the importance of which is admitted by the bulk of the nation, and in behalf of which public opinion speaks with overwhelming force. How is it that at a crisis of this kind, when a ready and powerful instrument is required to carry out the national behest, it is always the Liberal party which is summoned for the task? How is it that Conservatives answer our purpose only when we want to rest from legislation; when we are in doubt and in panic, and want to stand back from the struggle; when we are alarmed by the rapidity of our progress, and weakly conclude that we have advanced too far? Is it not that the desire to move forward in the path of reform is itself the essence of Liberalism—that when the nation

is robust in its aspirations and its efforts it is then, in the aggregate, a Liberal nation ; but when it grows faint of purpose, relaxed and reactionary, it is Conservative, or Tory, or indifferent, or anything you will, but not a Liberal nation? And does not this amount to much the same thing as saying that Liberalism is the name by which we describe the active energies and ambitions of the community, the best and loftiest qualities of the nation, the robust and effective forces of the constituencies?

It may be urged that this is a one-sided and partisan statement of the distinction between the two parties. We do not think so. Speaking without reference to individual opinions and convictions, and without personal inference of any kind, may it not be said that the Conservative leaders scarcely know what it is to have a definite programme of domestic action, and hardly ever propose one for the satisfaction of their followers? The great rallying-cry of the party for many years has been to turn out the Liberals. No doubt this has been represented as a high and imperative duty, as the protection of the Constitution from attacks, as the defeat and destruction of revolutionary violence. But this policy at its best has been a policy of party, and the struggle has been a struggle for place. It might have been legitimate enough, if it had not been accom-

panied by gross misrepresentations, and even these misrepresentations might be overlooked, or soon forgotten, if Tory Governments had identified themselves with beneficent programmes of domestic and economic reform. But this they have not done, owing in part to the fact that such programmes were already characteristic of Liberal statesmen, being, as we have just claimed, the essence of Liberal statesmanship. Not that there is any reason why the Conservative party at some crises should not identify itself with special branches of domestic reform, and gather round itself the traditions of a special domestic policy. This might have been done, nay, if we go back to the first half of the present century, we shall find that it has been done, and done with success. Even when the policy has been adopted from the programme of the Liberals (and usually of the most advanced Liberals)—when the Tories have ‘stolen the clothes’ of their opponents, or have ‘dished the Whigs’—this adoption of a distinct reforming policy has been successful in a remarkable degree. It was a Tory who introduced free-trade, but he lost his sting as a Tory in doing so. And within recent experience a Tory Premier introduced and carried a Reform Bill, ‘educating’ his party in order to do it, though (more skilful and less scrupulous than Sir Robert Peel)

deepening the tinge of his own and his followers' Toryism immediately afterwards.

It may be freely admitted, then, that Tory conversions, Tory reactions from Toryism, have not been rare in our history, whilst they furnish the brightest pages in the records of the party. But the spasmodic efforts of the Conservatives to promulgate a policy of domestic reform, as it were in cold blood, and when not necessary as a weapon to combat their Liberal rivals, have not been successful or creditable. As good an example as could be needed occurred in 1874, when Mr. Disraeli practically came into office on a programme of domestic reform. The political speeches of January and February in that year might have led a stranger to believe that the Conservative policy had been, was, and ever would be based upon the grand principle of sanitary reform. Problems of hygiene and sewage were elevated to the front rank of political questions, the *omnia sanitas* of the Conservative leader was regarded as a sort of watchword for the coming strife, and the keystone of the legislative edifice which the Conservative architects were bent on raising. Sanitary measures in the first place, with some kind of relief for the agricultural interest, and a general reassurance of alarmed and 'harassed' interests—this was the promise held out to the

country by Mr. Disraeli, bidding for office and place. But no sooner was the remarkable result of that election known, and no sooner were the Conservatives established with their unexpected majority, than experienced politicians began to look doubtfully upon the great principle of sanitation, so far as its effect on legislation was concerned. As a programme of active parliamentary work, the fore-shadowings of the candidate for Buckinghamshire were soon thrown into the background, and it was evident that the new Premier saw his way to making a great deal more of his opportunity than anything which could be effected by studying the public health, or even by consoling harassed interests. Domestic reform gradually became the sham which it must almost necessarily be under a Tory *régime*, and at length the discovery of the magic idea of Imperialism relieved the Conservative leaders of all compulsion to observe their electoral pledges.

In the face of the lavish promises of Mr. Disraeli and his friends in 1874, and of the alliance of so many powerful interests, the Liberal party had no chance whatever. Exhausted by an arduous series of campaigns, unable to rely on the gratitude of those whom it had benefited, pursued by the enmity of those with whom it had interfered, the Government of Mr. Gladstone fell a victim to its own honesty and

excessive energy. It had done so much that the country (fickle and short-sighted as it often is) was not in the mood to listen to another ambitious programme, even if one had been offered to it. What might have been done by a thoroughly Radical and popular declaration in the winter of 1873-74 it is impossible to say; but, suddenly confronted with a summons to fight, and seeing before it in its semi-blindness no other cause than a remission of taxation for the upper and middle classes, the country lost heart, and the spirit of Liberalism shrank back discomfited. It may be questioned whether the genuine sentiment of Liberalism, the enthusiasm for reform, the eagerness to advance, can ever be so relaxed as to fail in a moment of trial by its own inanition. It is doubtful whether the rank and file of the party of progress could ever be so far behind their leaders as to make an unfavourable response when called upon for a worthy purpose, clearly understood. But it is in accordance with their character and past history that they should refuse to put forth all their powers when lassitude from past struggles is aggravated by indifference to the programme of the future. Such was unquestionably the case with the more advanced section of Liberals in 1874; and such will be the case again whenever the Liberals who are in office, or who are leading

the Opposition in Parliament, fail to give due heed to the wishes of Radical reformers.

More and more every year this claim of the advanced section for consideration will make itself felt, with the result of increasing the electoral weakness of the Liberal party, and undermining the most strenuous efforts at organisation. Nor will it avail much to lament or protest against the want of subordination with which Radicals are reproached, since they know beforehand the effect of their independent course of action, on which they have very deliberately decided. They believe that good rather than evil must accrue from the feebler organisation of Liberals; or at least they are persuaded that this feebler organisation is the consequence and sign of the best qualities of reformers. They have no sympathy with the mere intriguing politicians, who are influenced solely by party traditions and individual loyalties instead of by principles and pledges. To the expostulations of whips and election agents, or of writers who look upon party subordination as the highest of political duties in all circumstances, the typical Radical reformer might reply in such terms as these :—

‘If I am a Liberal, and if I am of any use to you at all as a member of the great Liberal party, it is on account of my strong and deep convictions. My

ardent desire for reform, which I am never weary of demanding and pursuing, in season and out of season, caused me to be dubbed a Radical, as much in contempt as in anything else; and that desire is the outcome of my strong convictions. I believe that the objects of my ambition may be gained by unceasing perseverance in every constitutional method of advance, if only I and my comrades proceed resolutely, never relaxing our efforts, determined to fight without fear and without favour. But for these convictions I should be something else—a revolutionist or a Tory, but not a Radical reformer. Now, having these convictions, and having made these resolutions, I am constrained to carry on the struggle in accordance with them, and not to rest even if the leaders or organisers of my party rest. I am sorry that I should be called upon to judge and decide when my party leaders are in the right and when they are in the wrong—when they have done all that is possible, and when they withhold their hands without sufficient justification. But what am I to do? Governed by conviction, and that by deep and strong conviction, I cannot stand still simply because others do. I cannot measure my bushel by other people's corn. Before I could do so I should have to abandon the convictions which make me a Radical. You know best what becomes of the majority of those who, having been

ardent Radicals at one period of their life, cease to be so. Whither did Mr. Disraeli betake himself when he lost the force of his earlier convictions? For what did Mr. Roebuck at the last count in the reckoning of the Liberal organisers? And these are only the distinguished types of many insignificant men who have been frightened or cajoled out of their reforming energy.

‘Believe me, I and my fellows are much more serviceable to you (and to the nation, which is better) whilst we retain our enthusiasm, our intolerance of delay, our heat and energy and resolution, than we should be if we meekly submitted to you, and asked you to choose our candidates, select our measures, dictate our votes, and count us as mere units in your paper reckoning. If we made you this submission, you know as well as we do that the Liberal party would suffer in the long-run. It is easy to say what would happen—because the like thing has happened so often before. If all classes of Liberals were gathered under a single flag, and marshalled with strict discipline, the Tories might for the time be left absolutely out of consideration. You would outnumber them by two to one, and you could return your nominees all over the country. Parliament being thus at your disposal, if you had a Gladstone ready to your hands, we should have a programme of great and

heroic reforms, favoured by the breath of popular enthusiasm, which would cause all liberal Englishmen to rejoice, and would promote the welfare of humanity. If you had not a Gladstone, we should still secure a moderately satisfactory programme, and carry a few measures of constitutional reform. But when your lease of power was drawing to a close, when the programme was exhausted and the future had to be faced, how would you then stand? Let the year 1873 answer the question. Selfish or half-hearted Liberals in the House would be lax in their support of the Premier, the whips would be harassed, the majorities would begin to fluctuate in an ominous manner. Selfish or half-hearted Liberals out of doors would be growing lukewarm, even if they did not turn round upon their leaders for injuring them in some fashion by their additions to the statute-book. The country would be hesitating as to what would come next; and you, specially responsible for keeping the party as a party together, would be balancing and compromising with the best possible intentions according to your lights.

‘That would be precisely the moment when the unexhausted and inexhaustible reserve of reforming energy in the popular mind ought to be drawn upon for a new infusion of strength, and when the spirit of every true Radical would be burning to advance

towards new victories. But the exigencies of party Liberalism, as distinct from reforming energy, would seem to you to require some mild middle course; and we should either fall back into a sleepy Palmerstonian *régime*, enduring for dozens of years, or collapse ignominiously, as in 1874, by trying to please both extremes of the party, and so pleasing neither. Is it for this that you would have us Radicals efface ourselves, and sink to the dead level of spasmodic, half-reforming Liberals?’

There would be so much truth in these remarks that they could not fail to exact the acquiescence, up to a certain point, of the Liberal party leaders. No doubt the intensity of the political faith of the advanced section of reformers is the principal cause of our general electoral weakness; and it is a cause which must continue to exist as long as party itself. We must face it as an inevitable fact, and not protest against it, or attempt to remove it. It would seem that Liberals must live together by concordats, by compacts for a given period, by combinations for a distinct purpose, or for the accomplishment of a stated programme, and must make up their minds for more or less of disunion in the intervals. The alternative is that the eager and democratic section should stand apart from the rest, and constitute a party in itself, relying on its own

force, and conquering opposition from whatever quarter. For this the age is scarcely ready, though it would be unsafe to say that the time is not close at hand when a democratic party will be strong enough to set all but professed democrats at defiance. Even then, in the ranks of English democracy, there would be the advanced and the reluctant sections, and there would be a division over some such question as the remodelling of the House of Lords, or the enfranchisement of the land, or the restriction of the royal prerogative.

No Englishman, of a surety, need be alarmed at such a project, and still less need any Radical politician be ashamed or humiliated by this law of perpetual subdivision in the ranks of reformers. The growth of Liberal sentiment is susceptible of a close analogy with the growth of an organic body in nature, which proceeds by the constant multiplication and differentiation of corpuscles. It is in politics as in corporeal existence—the differentiation and development are tokens of strength, not of weakness. The question most worthy of being taken into account is that which touches the kind of differentiation at any particular instant in the progress of development. On this point Liberals are pretty certain to disagree in every age, but it is not necessary for them to agree. The one thing

necessary is that all alike should be animated by the spirit of reform. When this spirit is roused, the scattered elements will be gathered together into a party sufficiently strong and united to carry any programme which may have been dictated by the genuine wishes of the community. More than this it is useless, in the very nature of things, to expect from the general body of Liberals. Strong at particular seasons, but weak as a party, and especially weak as a collective opposition—this they always have been, and are likely always to be.

CHAPTER VII.

LIBERAL FOREIGN POLICY.

It is sometimes urged against the Liberal party, or at least mentioned as one of the drawbacks from which they suffer in the opinion of the country at large, that their leaders are too devoted to home interests, too intent on what is called parochial legislation, and therefore too apt to neglect foreign politics and 'imperial' concerns. This is a familiar part of the political jargon of the day, and it is worth while to examine it with some attention, and to make sure whether there is any justice in the complaint. It is not only within the past few years that this flaw has been discovered in the texture of English Liberalism. The charge is a comparatively old one, and has been brought against the popular or democratic parties in every European state. The French monarchical sections are fond of levelling it against their Republican rivals, and they have been in a position to do so with some show of reason, inasmuch as the majority of the old trained diplomatists, who had

made their way under monarchical *régimes*, and at monarchical courts, naturally fought shy of the Republican service, and found it convenient to deprecate the efforts of their successors. But amongst the many debts which we owe to the party which has now been dominant in France for the best part of a decade, is this, that it has reversed the judgment of its detractors in the matter of democratic statesmanship, and proved it to be perfectly possible that a Republic in Europe, built on the broadest popular basis, may do more than hold its own against the diplomacy of other nations, and retain all that is valuable in the old traditions of statecraft. A notable illustration of this was afforded at the Congress of Berlin, when the dignity of France suffered no whit from being intrusted to M. Waddington and his colleagues, though they were one and all ardent Republicans, and though they were pitted in council against the ablest statesmen and diplomatists of ancient European dynasties.

It will be sufficient, however, to consider the question as it is presented to us in our own country, and as it is illustrated by the history of the past ten or a dozen years. For the contrast is rather between advanced Liberals, or Democrats, and Conservatives of the 'Imperialist' persuasion, than between the Whigs and Tories who faced each other under

previous conditions of political life. The parliamentary arena—and of course the arena of public discussion which bears such intimate relations with that of the two Houses of Parliament—is very different from the arena in which Lord Palmerston and the late Lord Derby were the most prominent opposing figures. Lord Palmerston himself, whether we call him a Liberal or a Whig, or, as some would put it, a Conservative out of place, did quite enough on his own account to show that foreign politics had a constant and lively interest for his party. He was rarely in office without finding some active work abroad, either for English diplomacy or for English arms. No doubt he believed, or tried to believe, in the principle of non-intervention in the abstract, and abided by the maxims of that doctrine with tolerable fidelity. Europe had been only too glad to rest after the exhausting struggles brought to an end in 1815, and it was not Lord Palmerston's fault that England did more than any other nation to break through the limits of peace and war in 1854. The quarrel between Russia and Turkey at that date might have been confined to the south-eastern corner of Europe, without the active interference of western Europe; and Lord Palmerston would have been ready enough to play the part of a mediator instead of a combatant.

Nevertheless, as a general rule, and in matters which came immediately under his control, Lord Palmerston was at least as much disposed to interference in foreign affairs, and to the assertion of English influence abroad, as were the Conservatives of his own day. He made himself the advocate and champion of almost every cause urged by an Englishman against a foreign Government, and believed that the British arms ought to be at the service of British trade and dignity throughout the world, at a moment's notice, as a matter of course. We fired on Greek merchant shipping in the interest of Don Pacifico, and assisted in vindicating the sacredness of our opium traffic with China by inflicting immense damage upon the Chinese people. We made it a boast that, owing to his energetic conduct in supporting his fellow-countrymen in foreign countries, an Englishman on his travels had nothing to do but to proclaim himself a citizen of Britain to secure immunity from attack or insult. So that it was scarcely under Lord Palmerston, or under Lord John Russell as his Foreign Secretary, that the titular Liberals can have earned their reputation for indifference in foreign affairs, or for suffering the influence of England to be neglected in the councils of the European Powers.

As for the independent action of Lord John

Russell during his short Premiership in succession to Lord Palmerston, he certainly did not err on the side of abstention from diplomatic interventions. He spoke out boldly in behalf of the Italians as against the Austrians, and in other similar cases, showing that he was ready to use the prestige and influence of England in bringing pressure to bear upon the most powerful European Governments. And as for our failure to espouse the cause of Denmark against Germany, the responsibility of this cannot be fairly laid to the account of one party more than another. There was no strong demand that the Government should interfere with Germany; there was no hope of its doing so with success; and the desirability of such a course was not very seriously maintained until several years later.

Thus we come to the Administration of Mr. Gladstone, extending from 1868 to 1874. If there is any ground for the charge made by Conservative critics, it must be within this period that England lost so much of her prestige and consideration abroad—or at all events that the indifference of Liberal statesmen as compared with Conservatives became so manifest. Let us see how far this accusation is justified by the facts as they are presented within the past thirteen years.

Mr. Gladstone took office with a clear and distinct

mandate from the people to carry out a series of reforms in Ireland, and coincidently in England and Scotland, when there was no great foreign complication to distract us from domestic concerns, though amongst the responsibilities left over for him by the preceding Government was the balance of the charge incurred in the Abyssinian war. This petty (but very expensive) war was a natural outcome of the old Palmerstonian spirit, which held the life or the safety of half a dozen Englishmen as being ample reason for putting forth the whole power of the country against the meanest or the most powerful potentate rash enough to threaten them. In its origin, its progress, its result, and its enormous cost the Abyssinian war found a close counterpart in the Ashantee campaign; and the one may be set against the other, so far as either might be any guide to the policy of the Government which entered upon it.

We come, then, to the Alabama arbitration, which apparently struck the first blow at the reputation of Liberal foreign policy, and roused the indignation of certain classes of Englishmen against the 'want of spirit' displayed by Mr. Gladstone's Cabinet. But on this particular topic Liberals are prepared with a firm and unhesitating reply to their critics, which is of a nature to close at once whatever argument might have risen out of it. We look upon the Geneva

award, and upon the negotiations which led up to it, as a subject of supreme congratulation and pride, not merely for Mr. Gladstone's Cabinet, not merely for the Liberal party, but for England and humanity. Our assent to arbitrate on the matter of the Alabama claims was an act of high moral courage, of justice, and of policy, and will be regarded hereafter as the first great step towards the substitution of international arbitration for avoidable and bloody wars. It was a spirited, not a spiritless, action, and earned us a higher repute and prestige than any aggression or any appeal to arms in passion and an unjust cause has ever earned for a powerful and self-seeking nation.

The facts of the Alabama case were simply these. The vessel was made for the Confederates in an English port, and sold to them in contravention of a clear law, and of our solemn undertaking to observe neutrality between the American belligerents. The Government had been warned of what was going on, and failed to stop the illegal transaction. We were entirely responsible for the depredations made by this vessel on the property of American citizens, and from the first it was evident that equity as well as international law rendered us liable for the mischief done. The Government of the United States made its claims—exaggerated and exorbitant, it may be, but still just in principle. The

negotiations were protracted for a long time, and English statesmen, not prepared for the pertinacity with which the Americans continued to urge their demands, tried by refusal, delay, and diplomacy to evade a settlement of the dispute. The consequence was that England and the United States were on the worst possible terms. Acrimonious language was used by the press on both sides, and the relations of the two Governments were often of the most critical character. A rupture seemed imminent, and many believed that the quarrel, if a less obstinate spirit were not allowed to prevail, would eventually lead to hostilities between the two countries.

It was under these circumstances that the Cabinet of Mr. Gladstone at length consented to refer the matter to arbitration. It was open to it still to say, 'We may or may not have caused you an injury, we may or may not be liable to pay you damages, come and recover your damages from us if you dare.' This would have been the 'spirited foreign policy' which many would have had us follow, and which many openly urged us to follow. But it was not the kind of policy of which Mr. Gladstone and his colleagues were capable. Their courage and spirit rose to a higher level ; they dared submit to be just. We have nothing to say concerning the technical ability with which the cause of England

was argued at Geneva. It is possible that with other advocates, or with stricter contentions before the arbitrators, we might have had less to pay in order to purge our offence, though we do not see how this could have been. What we do say is, that the conduct of our Government over the Alabama arbitration was characterised by the loftiest spirit, and was inspired by the most statesmanlike policy. Those who maintain that we ought to show ourselves ready to fight for our material interests, apart from considerations of abstract morality and justice, are wont to hold that we sacrificed our dignity, as well as our money, at Geneva. Liberals of the consistent and genuine sort are not of this opinion. They think that it is better to be just and pay what is due from us than to fight unjustly at whatever cost or gain. This is why they remember the Alabama arbitration with pride, and refuse to consider it as a matter for argument on the lines of political expediency and State policy.

We need not stop to discuss other minor questions which arose from time to time between 1868 and 1870, and which went to confirm the uneasy suspicion of certain more spirited Conservatives, that Mr. Gladstone and his colleagues guided themselves in foreign affairs by the clumsy notions of moral constraint. We may pass on to the time of the

Franco-German war, which produced a very remarkable effect upon English politicians, and which put so keen an edge upon the criticisms of the Liberal foreign policy.

The unexpectedly sudden victory of Germany over France, the crushing completeness of the triumph of Moltke's military skill and Bismarck's diplomatic astuteness, and the wonderful efficacy of the scientific methods pursued by the Germans in the field and in the council chamber, roused a feeling amongst Englishmen which was neither envy nor alarm nor a desire of emulation, but rather a mixture of the three. As for our alarm, this was sufficiently illustrated by the vote of two millions for equipping an extra twenty thousand men. Mr. Gladstone offered little resistance to the demand pressed upon him by the War Office, the Houses of Parliament, and the country, though he probably felt that the expenditure of public money was due to a panic which would presently subside. But there was more than panic in the spirit which from this time forward began to increase and spread amongst Englishmen of aggressive and imperialistic tendencies. The loudest of these men, whether members of the military profession or the greediest of those who earn money in connection with the fighting services, or the most

impatient of those who had an object in discrediting the Government, envied the marvellous success of Germany, longed to do something equally grand and brilliant, and went about suggesting that every Power except England was alert and ready for war, and bent on increasing its prestige and prosperity. 'The Governments of Europe,' they argued, 'have been settling their plans and carrying out their programmes, whilst we have been expending our energies in parochial discussions. The three Eastern Powers have entered into a solemn pact, by which they will help each other to satisfy their several ambitions; they have set to work, and will proceed as though England were a mere cipher, and very possibly at England's expense. They have humbled France, our old ally, they have destroyed the balance of power between East and West, they have even contemplated an interference with the neutral position of Belgium. We remain practically without an ally in Europe, and it may well be that they have ulterior designs against ourselves.'

There was some surface plausibility in these contentions, and their force was increased when Russia took advantage of France's overthrow to demand the relaxation of the Treaty of Paris. But Mr. Gladstone's Government instantly rejected Russia's demand; Germany and France agreed with us;

Italy approved our policy; and Austria, though she was not so decided at first, ultimately expressed her wish for the withdrawal of Russia's assumption. And it was not until Russia had made an unconditional retraction that Mr. Gladstone's Government proceeded to substitute another condition for the one to which Russia had objected. Nor was this new condition tantamount to a simple abrogation of the old one; for the effect of the fresh arrangement was to provide more thoroughly for the defence of the Turks in accordance with the scope and purpose of the Treaty of Paris.

Now these facts have been grossly misrepresented—they have been sometimes even inverted. And thus we arrive, we think, at the origin and the growth of an idea in the minds of many Englishmen that this country was losing prestige on the Continent, and that with our prestige was falling away some of our power and influence. But is it not absurd to charge the responsibility upon the Government of the day? In what respect had Mr. Gladstone or Lord Granville contributed by sins of omission or commission to prejudice the position of England on the Continent? What would the Conservatives themselves have done, if they had been in power for the past few years? They did not, in the first place, seek to oppose any determined resistance to the earlier

movements of German consolidation. They did not demand that England should make war upon Prussia rather than permit her to absorb Schleswig-Holstein. They did not, as a party, espouse the cause of France against Germany, or warn the Government that the result of German victory would be to bring humiliation upon England (as they subsequently declared that it did). They could not have prevented Russia from making her demand as to the Black Sea clauses of the Treaty of Paris. What would they or could they have done different from what was done? Lord Granville made it manifest that the English Government did not consider the Treaty of Paris a dead letter; and he not only protested, in language worthy of this country, against the repudiation of treaty engagements under such circumstances as those of which the Russian Government had taken advantage, but he carried his point. There were some, indeed, who blamed the Liberal Foreign Secretary for going as far as he did; but would Lord Derby—would even Lord Salisbury—if he had been in office, have gone any further?

The only thing that could have been done to vindicate our importance in the eyes of Europe (supposing it to have been depreciated, which it was not) was to return an absolute negative to every claim made by Russia. But what would have been

the effect of our insistance at a moment when France was prostrate, when Italy was playing her careful game for the recovery of Rome, when the three Eastern States were known to have arrived at a common understanding? If we had flatly refused to accept any modification of the Treaty at that time, we should have caused the utmost embarrassment to Germany, and should also have held out a great encouragement to France. Russia would naturally have pressed her point with all the more persistence because of the concern of Germany in the matter. And it would have been necessary for Prince Bismarck to decide between throwing over Russia and running the tremendous risk of an Anglo-Russian war, which could never have been kept distinct from the Franco-German war. Granting that Russia might have had to yield, and that England might have gained a diplomatic victory, who can say what would have been the effect of breeding bitter enmity between ourselves and Russia, between ourselves and Germany, between Russia and Germany?

Well, one effect would possibly have been that Russia could never have punished Turkey for her crimes, and the Christian populations of the East would not have been liberated. That, at all events, would be no cause for satisfaction in the opinion of the majority of Englishmen.

But is it possible to suppose that England would have avoided a most terrible and costly war—a war which would have set Europe in flames, and have checked the whole course of civilisation? Mr. Gladstone and his colleagues had other considerations to take into account besides the temptation to adopt a spirited foreign policy, or the yet paltrier Jingo sentiments which animated so many Englishmen. It is quite true that there was a strong antecedent distaste for war, or warlike threats, amongst the members of the last Liberal Administration, as we are grateful to know that there is amongst the whole Liberal party. The arbitrament of the sword, when not absolutely inevitable, was in itself utterly repugnant to Mr. Gladstone and most of his colleagues; and we repeat that, so far as this feeling is concerned, the Liberals are less disposed to seek triumphs abroad, military or diplomatic, than the Conservatives. The Liberals are comparatively indifferent to the lustre which may be shed on English arms, and on an English minister, by our quarrels with foreign Powers; and Mr. Gladstone would have needed a strong and a just cause to withdraw him from the domestic programme of his party, and to make him abandon a policy of ‘peace, retrenchment, and reform,’ since so painfully and disastrously contrasted by the follies and crimes of his successors, for the purpose of com-

passing the fame of a war minister. That strong and just cause was not to be found in the humiliation of Russia in 1871. The Liberals had ceased to be very proud of the results of the Crimean war ; they had come to consider (as many of them had always considered) that the virtual exclusion of Russia from the Black Sea was an arbitrary, an unnatural, an unnecessary proceeding ; and they had the moral courage to admit that this particular section of the Paris Treaty was more harsh than it was fair or politic.

It seems to follow from these considerations that the conduct of foreign affairs by the Liberal Administration of 1868-74 affords no ground for the charge which has been so freely brought against the party. Nor is it true to say that the Liberals have neglected English interests abroad, in any matter during recent years, or that they have shown either indifference or incapacity in dealing with foreign affairs. What can be said properly enough, and what we rejoice to feel and to know, is that the Cabinet of Mr. Gladstone regarded the domestic concerns of the country as entitled to its chief attention. As for English honour, that was safe in the hands of men who performed a lofty moral duty at Washington and Geneva. As for English interests, who would now dare to say that the

Cabinet in question neglected them, or failed to protect them? Of course it cannot be known exactly what Mr. Gladstone and his colleagues would have done if they had remained in office up to 1876 or 1877, though we do know, equally of course, that they would have done something, in regard to our connection with Turkey, which would have conduced infinitely more to the interests of England and humanity than their successors accomplished, and in a totally different spirit. But it is written in history that the Liberal Administration did not conceive it to be its duty to pick a quarrel on the Continent for the purpose of raising the prestige of the country ; or to support a tyrannous and craven Government in order to foil a rival ; or to create an Indian difficulty in order to overcome it gloriously ; or to force a scheme of confederation on unwilling colonists at the price of an inglorious savage war. In place of any spirited foreign policy of this kind, it laboured to improve the condition of the English people, to remove the grievances of Ireland, to retrench the public expenditure, to strengthen the Constitution. For thus attending to the business of the country, and living in peace with its neighbours, it was reproached alternately with being a 'parochial' and an 'heroic' administration. But it may be that posterity will see its chief virtue in

that very non-intervention in foreign affairs which some of its contemporaries have stigmatised as its principal shortcoming.

It is a truism—in a sense only a little less sweeping than is generally implied—that the way to secure freedom and good government abroad is to be diligent in securing and amending them at home. But there are occasions when nations, like individuals, cannot stand idle spectators, with hands tied, and see enormous crime done. We are as much in favour of that foreign policy which is prepared for even the awful contingency of war under some circumstances as we are opposed to that narrow, that selfish, that un-English foreign policy which rests upon the doctrine of ‘Peace-at-any-price.’ It would often happen that a threat or a protest, if made boldly and in solemn earnest, would be successful without any shedding of blood. But it is better to die defending the innocent than to live and see them murdered before your eyes. If this consideration, which may be supposed to influence every good citizen, could come to be accepted as the principle of our foreign policy, under the quick and genuine control of the people, it is impossible to estimate the immense effect it would have for good on the public opinion of Europe and the world. The difficulty would still reside in the imperfection of the human instruments—of the

ministers, with their passions, jealousies, crotchets, enmities. But whilst this difficulty must exist, and make itself felt, in any and every society, the best check or remedy will be found in the instincts and common-sense of a free people, easily and constitutionally applied.

The moral of these facts and arguments is not difficult to read, and it confirms the principles which have been laid down as the basis of Liberal political action. A genuinely Liberal Government, such as can alone give satisfaction to the mass of the English people, must live by and for the general body of the nation. It must not direct the popular mind from its chosen path at home by artificially raising questions of extraneous interest. Foreign affairs in every nation, but especially in an insular, commercial, well-defined, and peaceably disposed nation like England, should be dealt with firmly and thoroughly when they are forced upon us from without by the claims of justice or of freedom; but they must not be courted and stirred up to the sacrifice of popular aims and ends. For the welfare of a nation is most surely maintained and extended when we promote the advance of the people within its own borders, by the cultivation of peace and industry under the fostering influences of self-government.

CHAPTER VIII.

LAND REFORM.

As in the case of every other reform, there are plenty of people who maintain that the reform of the land laws is important before all others, and that it ought to be placed first in any programme of the Liberal party. And there is more of justice in this contention than there is in the majority of parallel cases. The disadvantages arising to all classes from the anomalous condition of the land in England are now admitted, and treated as a matter of deep concern ; whilst it is easy to note a distinct connection between the system of laws relating to land transfer and tenure and a multitude of other disadvantages under which the community in general labours. A reform of the land laws, therefore, seems to be called for with more urgency than the great mass of reforms which are commonly advocated. If these positions are conceded, it only remains for our publicists and statesmen to devise in what manner the amendments of the

statute-books may be most efficiently and safely made. And in this inquiry it behoves all parties concerned—the landowners as much as the classes which expect to profit by the popularisation of the land—to take a part. If a reform of some sort is inevitable, it is clearly to the interest of those whose property is to be affected to exercise their influence in discussing and modelling the new arrangement.

The proposals which have been made are extremely various, and of course a few of them have been wild and impracticable. In one guise or another, the ‘nationalisation’ of the land is a favourite nostrum with a large number of people, who argue that there must be injustice in appropriating the soil to any individual possessors, rich or poor, by great or by small quantities. The land, they say, the common parent, is also the common possession, and should be held in fee by the community as a whole, for the benefit of all. Any partial occupancy is an injury to the rest of the nation, unless the occupancy is temporary, for a consideration in the shape of rent, which rent should be applied to State purposes. The State, being thus the universal landlord, should make such a provision that every individual might be furnished with a plot of ground, whereon to support his wife and family, and to earn his share of the revenue. The rent payable for these tenancies, though in itself moderate, would

suffice (in the opinion of the most enthusiastic and theoretically fair advocates of this particular idea of land reform) in the first place to buy out the interests of present owners, and, when that has been done, to return a handsome national income, which would afford immense relief to taxpayers.

These persons maintain that the bulk of those who now receive the rent of land, or who keep large estates untilled, have no indefeasible claim to them. They argue that absolute property in land cannot reside in individuals, and that the utmost which a so-called landowner can equitably claim is a sum representing the value of what he has added to his estate, together with the estimated worth of his tenancy. The argument would be a forcible one if we could accept the original proposition that absolute ownership rests in the community alone. But this is a proposition the logical consequences of which would be too severe for any wide acceptance. The temper of the English people would not permit them to act upon a principle so drastic in its inferences. If it should come to be admitted that the nationalisation of the soil is indispensable for the popular welfare, the spirit of conciliation and compromise would secure to every possessor of title-deeds a price of redemption based upon the market value of his property. Confiscation is not in the genius of

the English people ; and every practical man must leave these considerations on one side, and look forward to a totally different solution of the difficulties.

There is, indeed, a kind of partial nationalisation, or rather an application of the theory to lands already under national control, or that may be hereafter brought under national control, which is sufficiently within the domain of practical politics. Not only might the present State lands, which may be taken to include the Crown lands and such other areas of the soil as are more or less at the disposal of the State, be utilised for the purpose of creating a large class of State tenancies, but there is no reason—no objection in principle—why the Legislature should not buy out the landed proprietors, if the purchase could be shown to be for the welfare of the community at large. It is contended that the tenants of the State thus brought into existence would as a rule be in a better position, more independent, and less subject to caprice, than the tenants of individual owners ; and that, what is more important, an opportunity might be found in this way of instituting peasant occupancies, not to say peasant proprietorships, such as have often been recommended with the object of restoring the ‘ divorced ’ incumbents of the soil.

We have spoken in this place of peasant ‘ tenancies,’

not of peasant 'proprietors,' because the suggestion arises out of the ideas of men who advocate the nationalisation of the soil under the one proprietorship of the nation at large. But the argument is not quite, though it is very much, the same when we apply it to the case of property in land ; and, indeed, this is the form in which we most frequently hear of peasant farming as a remedy for existing evils. Yet whether it be a question of peasant tenancy or of peasant proprietorship, the advantage of settling a vast number of the people on small plots of land, each plot sufficient for the occupation and control of its cultivator, has never been generally condemned as immoral or impracticable, however warmly some writers have impugned its wisdom. On the contrary, its advocates have grown more confident and more persistent in the past few years ; so that now we seldom hear any objection raised against the establishment of a peasant proprietorship. The chief objection has been all along, and still is, that such legislation will have no beneficial result ; and, whatever view we may take of the objection, there is no doubt that it continues to be urged with considerable heat and persistence.

It follows, then, that assuming the evils which now exist connected with the land are great, extraordinary, and difficult to be overcome, the desirability of any

exceptional enactments diminishes in proportion to the provision of other remedies ; and that it would be better in every aspect that the reform should be introduced in accordance with actual facts and circumstances, and by the expansion of existing systems. We see that the one paramount necessity is that the reform should come without fail, without delay, to the benefit of the people at large, and in obedience to the popular demand. The people is manifestly on the point of taking up this complicated subject in earnest ; Conservative as well as Liberal statesmen have begun to discuss the question with a candour and seriousness which have brought it within the region of pressing and practical politics ; and whilst the problem is sure to be thoroughly and honestly solved, it is as certainly not too late to solve it without disturbing, much less dislocating, the framework of society.

Now the task of providing a remedy for the evils arising out of our system of land tenure will be easier if we can fix upon some one point in the system most open to criticism, and in regard to which a change could be most readily effected. Nor is there much difficulty in laying the finger on the principal blot, which consists, by very large consent, in the aggregation of the bulk of English soil in the hands of a very few landowners, and

in the legal obstacles which prevent or retard them from transferring any portion of their inheritance to would-be purchasers. This, without doubt in our opinion, is the chief reason why English farming cannot be brought to the highest state of perfection, why tenant-farmers are ruined and rents decreased, why the food-production of the country is lamentably insufficient, why the labourers are barely able to earn a subsistence. The condition of agriculture amongst us is thoroughly artificial. Landowners themselves, or tenants who are rich enough to spend largely on the breeding of stock and the cultivation of crops, may show grand results at our agricultural shows ; but it has come to be a comparative rarity for an ordinary farmer, living as it were from hand to mouth, to keep himself financially above water. The trade of farming, that is to say, of food-production, is passing through a period of grave depression, graver than that which has affected most other trades. There is not sufficient reason to account for this in the alleged want of agricultural skill, or in the alleged extravagance of our tenant-farmers, or in the alleged sloth of their labourers, or even in the series of unfavourable harvests with which all have had to contend. The fact is that the conditions of a farmer's tenancy are generally too strict, and the burdens upon him too heavy ; which fact is due, as

a rule, not to the oppressive or ungenerous spirit of his landlord, but to injurious restrictions laid upon the proprietor of the land by the law through his own ancestors.

Landowners have now pretty well made up their minds to a repeal of many of the inconvenient provisions under which both they themselves and their tenants are suffering. The best of them are prepared for a great change in the system, and it may be taken for granted that those who obstinately or selfishly deny the necessity for a change will acquiesce with more or less equanimity when the time is ripe for legislation. And that which the best landlords now see to be requisite is the same thing which has been advocated by the ablest thinkers for long years past—namely, the facilitation of the transfer of land in large or in small quantities.

The facts connected with the distribution of land in the United Kingdom are so startling that they have often been used to point a moral ; and this has especially been the case since the publication of the new *Domesday Book* by the authority of Parliament. This book presented us with a mass of statistics which are extremely serviceable as far as they go, and in so far as they can be relied upon. The late Mr. Joseph Kay, in his volume on the subject of ‘Free Trade in Land,’ has partly summarised the results of the survey

made at the instance of Lord Derby, and prepared in 1874-75, whilst at the same time giving warning of the danger of accepting them as anything like an adequate embodiment of the evils to be redressed. The principal figures, however, are well worthy of being repeated and borne in mind, since they put the matter in its strongest light.

Now the area of England and Wales, excluding the metropolitan district, is about thirty-seven and a quarter million of acres, or an average in round numbers of two acres per head of the population. Of this amount, more than one tenth (3,917,641 acres) is owned by one hundred persons. Consider how many individuals are without their average of two acres in order to make up these enormous estates for our one hundred greatest landowners! About one sixth of the soil is owned by 280 persons; one fifth by 523; one fourth by 710. Eight hundred and seventy-four persons own 9,267,031 acres. As Mr. Kay pointedly observes, 'Just think how small a number 874 persons are in a church or a town-hall, and then try to realise what the figures 9,267,031 signify.'

In the large county of Northumberland, twenty-six persons own one half of the soil, exclusive of woods, commons, and 'waste lands.'

In Scotland the total area is something under nineteen millions of acres. One owner alone possesses

the fourteenth part of the whole. Twelve owners possess nearly one quarter of Scotland. Seventy owners possess one half of the country; whilst nine tenths of the entire surface of the land, with all that lies under it (small royalties excepted), is tied up in the hands of some seventeen hundred individuals.

In Ireland there are 20,159,678 acres ; and nearly one half of these belong to seven hundred and fifty men.

Taking the United Kingdom as a whole, twelve men own 4,440,467 acres, or not far short of one twentieth of the whole soil from which the food, the health, the wealth of over thirty millions of people are virtually derived. This is one great and central fact revealed by the figures which Lord Derby desired to have published, chiefly with the object of disproving the allegation that small estates had been absorbed into the larger ones.

The fact is, the House of Lords owns more than a third of the whole country ; whilst two thirds—upwards of six acres out of every ten—really belong to great peers and commoners, whose estates are continually devouring the smaller estates adjoining them. As Mr. Kay observes, ‘There is no doubt that England once possessed a large class of independent, well-to-do, self-supporting yeoman proprietors. Old writers treat it as one of the boasts of Old

England, that she had so many small freehold yeomen. Where are they now? By our system of land laws we have been cutting away the base of our social pyramid, whilst nearly all other civilised countries have been pursuing an exactly opposite policy.'

How shall we put ourselves right again? We must, as one of the first steps, prepare for the restoration of our peasants or yeoman proprietorship ; and some of our wisest and most prudent men are agreed that this is to be done only by extending the principles of free trade to the sale and purchase of land.

CHAPTER IX.

FREE TRADE IN LAND.

MUCH has recently been written on the character of the English land system, on the condition of our land laws, and on the evils which arise from the present state of things. The works of Mr. Kay and Mr. Cliffe Leslie, to mention no others, have treated the facts of the case in a sufficiently clear and exhaustive manner. The treatise of Mr. Kay, as simple as it is accurate and definite, is alone adequate for all purposes of information and suggestion. We do not hesitate to say that if Mr. Kay's letters on 'Free Trade in Land' were brought within the reach of every man in England, and were allowed to sink into the minds of the masses, the work of reform in our land laws would be accomplished. The task of those who come after seems to be to enforce the deductions from known facts, and to insist upon the measures necessary to remove acknowledged evils. The intricacies of our cumbrous system, which is a legacy of feudal and semi-feudal

times, have been exposed with adequate simplicity and force ; and it remains for us now to make up the lost ground which most other nations have passed over in advance of us.

Granted that the needed reform is to be arrived at by free traffic in land—by removing the barriers to the distribution of the soil in small properties and small fixed tenures, without actual compulsion in any case—what we have to consider is this : What changes in the law are necessary to break down the wall with which the spirit of feudalism has surrounded the monster properties in land ?

The central mischief of the present English land laws, or of the condition of things permitted to exist for lack of an amending law, seems to be, that the owner of an estate is able to tie it up for half a century or more, in such a way that it cannot be sold or divided or applied to the satisfaction of the next owner's liabilities, whilst he is also able, in leasing his land for as long a period as 999 years, to fetter it with such covenants as will interfere with its proper cultivation practically for ever. The first of these modes of fettering the soil, by deed or by will, under what is known as the law of entail, coupled with the law of primogeniture, which transfers an undivided landed estate to the single next heir, generally the eldest son, of an owner dying without a will, may be

regarded as the pith and substance of the system whereof complaint is made. If a relaxation of these two laws, rightly described as 'modified feudal land laws,' could be brought about, there is every reason to believe that the whole reform would be virtually accomplished, and that the mass of evils indicated in connection with our land system would disappear.

For all that is needed to establish a fair distribution of any commodity, is that the commodity should be exposed for sale, and subject to the competition of those who desire to possess it. The laws which regulate freedom of trade, or which make free trade effectual, are like a strong and well-adjusted machinery, which takes the raw material submitted to it and works it from beginning to end until the completed product emerges in the required form. The machinery once set up, only the raw material and the guiding hands are necessary. And so it would be with the distribution of the soil in England, if it were once liberated from constraint, and brought within the operation of free commercial principles, and the laws of supply and demand. Once provide that land shall perpetually come into the market, whenever a landowner is compelled by debt or poverty to realise his estate, either as a whole or piecemeal, or whenever he desired to exchange his land

for some other species of commodity, or whenever land might need to be converted into cash, for the distribution of the property of an intestate, or for any other reason, and the first necessary step would have been taken towards the subdivision and popularisation of the soil. A poor man would then be able to go into the market with his savings, or with a modest sum borrowed from his friends, and there purchase a plot of ground, sufficient for cultivation by himself and his family—the bulk of the purchase money being provided on mortgage on the property, payable by the purchaser by instalments. Under the Irish Church Act a large number of Irishmen have in this way been enabled to become landowners, and farmers of their own acres, with a result which is eminently satisfactory.

The abolition of the laws of entail and primogeniture would tend at once to induce this result. Of course any such measure would have to be accompanied, or would soon be followed, by minor directing measures, necessitated by the altered condition of affairs. For a product of a different shape, different machinery would be required ; and especially as—one of the most important considerations in the case—there would be a gradual decrease of demand for elaborate deeds, wills, and settlements of land. The almost incredible cumbersome documents in which the titles of large

estates are now involved—sometimes so effectually that it becomes next to impossible to discover what the precise title of an estate is—constitute now the greatest practical impediment to the sale and purchase of small plots of land. A deed of conveyance is rarely so simple that it can be produced from the legal laboratory for less than a hundred pounds; and as a rule the cost of such a document would amount to a high percentage on the cost of the purchase. One of the best results of the modification of the power of settlement, as applied to land, would be the immense simplification of the titles to estates. With simpler titles would come a simpler method of sale and purchase; though we do not think that the conveyancing lawyers would find that their occupation would be gone. The work saved by making titles simpler would be counterbalanced by the vast increase of occupation following the multiplication of bargains in the land market.

Strong objections are sometimes raised, especially by or on behalf of the large landholders, against any interference with the laws of entail and primogeniture. It is urged that any such action on the part of the legislature would amount to an interference with individual rights, with freedom of disposition and contract, with the liberty of the subject as well as the time-honoured privileges of a class. Moreover, it would

be the beginning of a process by which the property of the landowners would be menaced, and by which the poorest would be encouraged to look with expectant greed upon the possessions of the wealthy.

There is just enough reason in the first part of this complaint to make it well to show how the whole of it may be met, and why the owners of land should dismiss their fears of injustice, or of confiscation, or even of serious loss, in the approaching and inevitable remodelling of the system. In the first place, the fact that a semi-feudal division of the soil has endured so long in England, after many reforms and revolutions, and after similar conditions of things have been brought to an end in France, Germany, and other countries, should be a pledge that our own aristocracy will receive justice at the hands of their fellow-Englishmen; and that their privileges will be scrupulously weighed in any rearrangement for the welfare of the nation at large. Our aristocracy, or, to keep closely to the present argument, our landed nobility and gentry, are by no means level throughout in worth and desert at the hands of their country ; but they have on the whole such claims to the respect of the people that there does not exist an inclination to treat them harshly, much less unjustly. Future modifications of our Constitution and institutions may be judged by those which have been already effected. We

may feel assured that they will be conceived calmly, and carried into operation with a full regard to justice and common sense.

What, then, is it which the large landowners think they have to dread as the result of the present demand for a reform of the land laws? The most that can be anticipated in this generation is the entire abolition of the customs of entail and primogeniture, with the concomitant facilitation of the transfer of land, whereby the number of small landowners would be indefinitely increased, and the more or less ornamental privileges of the large landed proprietors would be relatively diminished. Is it really hopeless to expect that our landowners as a class might be contented to accept this solution of the problem, and to make this concession, or compromise, in the interests of their fellow-countrymen? The question answers itself. There could be no doubt of their acquiescence if the few score or hundreds of men from whom the concession must come were once persuaded that it was indispensable for the general weal.

Now there are various suggested solutions for existing difficulties, short of absolute abolition of the right to entail landed property. Some appear to be more practicable or more promising than others; but it appears probable, after weighing the whole question, that the first legislation touching the law of

entail will be in the shape of limitation rather than of abolition of the law now in force. Land is tied up for various causes, and in various modes ; and it is the province of present discussion to show how it may be most prudent, most practicable, most just, to draw a line between admissible and non-admissible entails. This is a discussion in which the landowners themselves may be urged to take a part ; for if they allow, as the more candid and intelligent of them have done, that there is nothing revolutionary in the remodeling of the land laws—that, on the contrary, a reform of some sort is necessary—they cannot do better than co-operate in framing a just and equitable scheme for adoption by the legislature.

Mr. Kay illustrates the law of entail by relating the case of a young, unfettered landowner, who married as soon as he came of age, and at the same time executed deeds which settled his estate upon the children who might be born of his marriage, in such a manner that the life-interest alone remained to him, whilst the actual property was assigned, upon his death, to his eldest son. As soon as his son came of age another deed was made, by agreement between father and son, whereby the latter in his turn signed away the absolute property to his own prospective children, retaining only a life-interest in conjunction with, and in succession to, his father.

That, in rough outline, is the process of entail, which can be put an end to, in any particular family, only on the coming of age of an eldest son, when father and son together can cut off the entail by rescinding the settlement made by the father whilst his son was unborn or an infant. Mr. Kay furnishes a striking example, in the case referred to, of the evils which may often and do arise from this blind system of self-constraint—comparable in many respects to the act of taking life-vows in religion, which are often sealed in youthful inexperience, or under the pressure of custom, to be repented of in old age.

The estate in question was composed of large farms and very valuable woods. Lord A—— was an extravagant and reckless man, who hunted, kept open house, gambled and bet heavily, raised money on his life-interest, and finally fled from the country. ‘The remainder of his life-interest, which was worth only the annual thinning of the woods, was sold to a Jew, who knew he would lose all as soon as Lord A—— died. That state of things lasted about 40 years. The farmers had no leases, and no security for any expenditure. They were unwilling to expend on the restoration or substantial maintenance of the farm buildings. The Jew would not spend, for he did not know, and could not know, when Lord A—— might die. The gentleman who took the house could not

expend upon it, because he could not tell when he might be turned out. The Jew, in order to make as much out of the estate as he could, raised the rents as much as he could, and cut out of the park and woods far more timber than any unembarrassed owner would have done, and so the estate was damaged more and more year by year ; the tenantry were prevented from dealing fairly by the land or fairly by themselves ; there was no one to support the schools or the church, or to look after the large village of labourers upon the property. All social progress and all social prosperity upon the estate were put an end to. The farm buildings fell into decay ; the land was not properly drained or cultivated ; the plantations were injured ; the house became dilapidated ; and all this was caused by the deeds which the law had allowed the lord and his heir to execute.'

This is not an isolated case. The same phenomena have been observed on scores and hundreds of estates, where the ruin, the poverty, or the neglect of the landlord has produced mischief to all depending upon him, whilst he himself is unable, even if he were willing, to remedy the disorder, or to dispose of the property to others.

The strength of a chain is the strength of its weakest link. The value, the justice, the policy of the law of entail, as it now exists, may be known

from this single illustration of what may, and often does, happen as the result of its operation. How is it possible to justify a law which enables a man so to use his property as not only to injure himself and all who may be dependent upon him, but also practically to defeat the claims of any creditors he might have? The demand for a modification of such a law would seem to arise as much in the interest of landowners themselves as of the community. It is better to be independent, to pay one's way in the world, to bring up one's children in a spirit of independence and self-reliance, than to hand down an incumbered and impoverished estate to descendants who will probably never know the true pleasure which springs from the possession of unfettered and disposable property.

Moreover, the burdens and charges which fall upon an entailed estate after the actual incumbent of the property has limited himself to the enjoyment of the life-interest are not the only ones, and as a rule are not the most grievous ones, by which it is incumbered. It is in the power of a landowner, when settling his property in the land upon his heir, to make any number of coincident settlements, provisions, charges of any kind. As Mr. Kay remarks, 'Vast numbers of these estates are, owing to these deeds and wills, burdened with charges for wives and widows, charges for sons

and daughters, marriage portions, mortgages, covenants to other owners, building leases, mining leases, farming leases (each containing scores of provisions), rent-charges to various persons, payments of insurance policies, payments of annuities, equitable mortgages, equitable claims, &c., &c.' The actual incumbent of an estate thus settled and charged may not have the faintest idea what his own legal position is. He may be told by his lawyer or his agent that, under the circumstances, he has only so much in the way of income to receive ; but beyond this, the state of his title is 'an insoluble mystery.'

What business man, or what man of moderate means, would long endure to live in such a state of mystification with regard to his position, dependent upon the truthfulness or the capacity or the ingenuity of a lawyer and a steward?

It is evident that one of the principal motives which induce landowners to submit to the many inconveniences of the system of entail is their desire to maintain the dignity and influence of their families, and to prevent any spendthrift or indifferent individual from ruining and obliterating the 'house,' which may be more or less honourably known in history. The same motive leads to the impassioned defence of the law of primogeniture, whereby a landed estate passes, in the absence of a will, or where there are deeds

and settlements governing the descent of the estates, to the eldest son. There may be charges and annuities for other children or for collateral claimants, but the title to the undivided estate is regularly vested in the next male heir. Only in the absence of heirs male does the estate devolve upon the female heirs ; but in that case they are regarded as one heir, and the land passes to them undivided and indivisible. The great object is to keep the land together, and to let the soil accumulate like a snowball (whereof the snow never melts). It need hardly be mentioned that these restrictions apply to land alone, and not to money or to any other kind of movable and personal property.

Entail and primogeniture are devices for the maintenance of large hereditary houses and territorial influence. The contention of the most moderate reformers is that these laws are more hurtful than beneficial to the State—that the will-making power would always remain, leaving a man at liberty to bequeath his property as he saw fit—that each successive owner of an estate would be able to hand it down to his heirs intact, so long as he left it free from the claims of his creditors—that entail and primogeniture are valuable only for spendthrifts and gamblers, who ought not to be protected at the expense of the community—and that the abolition or extensive modification of these two laws would remove

scandal and complaint, and introduce a better state of things for the nation at large. Is not the contention a reasonable one? And is there any ground for uneasiness in the prospect of a law under which the right of property in land would still be absolutely recognised, the power of testamentary bequest absolutely maintained, and the legitimate interests and influences of well-administered wealth increased rather than diminished?

Amongst the evils of the laws of entail and primogeniture Mr. Kay enumerates the holding back of land from the market which would otherwise be sold and distributed; the decrease of parental control; the encouragement of carelessness in regard to the useful education of children; the artificial maintenance of unworthy men in positions of dignity and influence; the prevention of the proper management of estates whose owners are embarrassed; the discouragement of agricultural development; the vagueness and expense of legal documents necessary for the conveyance of land; the inevitable obscurity of the titles of land; the expense of any actual purchase of land, which renders it difficult for poor men to invest their savings in it; the occasional necessity for a landowner to become an absentee, in which case (as so grievously illustrated in Ireland) the estate has

to be managed or mismanaged by an agent who has no real interest in it ; together with such concomitant evils as are aggravated, if not directly produced, by the same system, like the evils of the game laws, of the law of distress, and so forth. This is a long string of accusations against the obnoxious laws. The justice of many of them may be more felt by the owners of large estates than it can be by any one else ; but, in regard to some of the most prominent and important, no appeal need be made from the general experience and convictions of the country.

Vast as are the advantages which appear likely to accrue from the abolition of the laws of entail and primogeniture (so far as the devolution of the entire landed estate to the eldest son, excluding all others, is concerned), the remedy would be only a partial one. It would probably need to be supplemented by a law restricting the power of granting leases for more than a certain fixed period, whatever period might be determined upon. It is, indeed, suggested on the one hand that no lease should stand beyond the lifetime of the lessee, and, on the other hand, that the conditions of a reasonable lease can be transferred, without injustice, along with the title of the estate on which it was granted. There are obvious objections to both these propositions ; for the first plan would operate inconveniently, not to say unfairly, to all concerned,

whilst the latter would interfere with the subdivision of the estate in case of necessity. There is much more to be said in favour of limiting the term of a lease to something like twenty, or even fifty, years. What is necessary is that the man who takes land upon lease should have time, by himself or his heirs, to reap a full benefit from his capital and enterprise ; but the extension of the lease to something between 99 and 999 years is subject to the double disadvantage of locking up the land from sale, and of creating a species of double proprietorship (often, as in the case of unleased game or mining rights, a double occupancy) which must be prejudicial to good cultivation.

Nor would these modifications of the law be thoroughly effectual unless a retrospective effect were given to our new legislation, so as to bring within the scope of improvement the many thousands of acres which have already suffered so grievously from neglect, and which, thanks to previous entails, are charged with heavy and increasing burdens. To meet this difficulty there might seem to be need of an Incumbered Estates Act, whereby special powers would be taken to deal with land which would otherwise be kept for generations neglected and unproductive.

Such, in brief, appears to be the outline of a reform which might settle the land question for years to come,

and prove acceptable to owners of land, as well as to the general public. The owners as a class need be neither alarmed nor troubled by such a proposal, since for a large proportion of them it could have little effect beyond increasing the necessity of making a will at the earliest moment. No doubt there are details which would require consideration before the new order of things could be settled. That is the work of the draughtsmen, and, after them, of Parliament. Meanwhile the publicist may be contented to dwell upon broad principles, and urge the fulfilment of duties on which so much of our national welfare seems to depend.

CHAPTER X.

THE DIVISION OF PROFITS IN AGRICULTURE.

WE have lately heard a good deal about the 'three incomes' which have to be derived from the cultivation of the soil—those of the owner, of the farmer, and of the labourer. The distinction is a convenient one, though it is more conventional than real. A farm of considerable size is expected to yield scores of incomes, graduated in amount according to the capital, capability, skill, and labour of the various recipients. The problem of the day, so far as agriculture is concerned, is to regulate these incomes on the fairest basis, and especially to increase the incomes of those who have been shown to be inadequately remunerated—that is to say, the tenant-farmer and the labourers whom he employs on his farm.

We think it will be found, by experience as well as by theoretical examination, that the profits of farmers and labourers may be considerably increased without diminishing the profits of the owners. The crisis which has overtaken the tenant-farmers has

opened the eyes of the country to the real causes of agricultural depression ; and men are beginning to acknowledge that the distress of the employers and labourers is due to identical circumstances. But it is impossible to preserve our equanimity, to take an optimist view of the situation, to believe that the trouble is only temporary and that things will presently fall back of themselves into their old grooves, when we hear of landlords remitting the whole of their rents, farmers withdrawing their capital from agriculture, or succumbing to their misfortunes, or failing in the competition with foreigners in our own markets, or emigrating in shoals to Canada or elsewhere—of land actually falling out of cultivation, though barely three quarters of the soil of England and Wales have been reclaimed from idleness* ; and of the importation of the food of the people steadily increasing in amount,† though the productions of the country might be doubled by a higher culture. In the face of these facts, we cannot be satisfied with any partial or casual explanation of the evil, but must seek for the cause and the remedy at the foundation of our agricultural system.

One of the many explanations offered to account

* In 1871 it was 26,000,000 out of 37,000,000 acres.

† The value of imported food in 1878 was reckoned at 100,000,000*l.*, and that of our home produce at about 300,000,000*l.*

for the phenomenon is that the farms are rented at too high a rate; and it has been predicted that landowners will have to be satisfied with a smaller income. It seems to us that this is a hasty conclusion, not warranted by facts. If rents are to be permanently reduced, it must be in obedience to the laws of that free trade in land which will follow from the greater facilities of sales, from the abolition of entail and primogeniture, and from the other reforms to which we are justified in looking forward. But as these reforms will increase the competition for land in an open market, whether by sale or by lease, it appears inevitable that the value of land to its owners will be raised rather than diminished. We do not think that the relief of the farmers and labourers will be effected at the expense of the landowners. We believe that the reform of the laws, the increased security of tenure on lease, and the general improvement of the system of cultivation, will not only largely benefit the tillers of the soil, but will tend very much to the pecuniary advantage of the owners.

There are various incentives to reform in agricultural matters at the present crisis. Thus there is, and for a long time has been, a demand for the amendment of the land laws, because they are theoretically bad. Their injustice and injurious effects have long been felt; but the condemnation which they

have encountered has not been strong enough to rouse the spirit of reform to the necessary activity. But this theoretical condemnation has now been reinforced by two very powerful arguments, based upon very real and pressing facts. A reconstruction of the land system is both desirable and necessary, for these two reasons in particular : first, because the food supplies of the country are failing, and the national wealth is being sacrificed by the neglect of agricultural interests ; and, secondly, because the farming classes, from the capitalists down to the labourers, are suffering extremely from a depression which is not entirely due to a series of bad harvests. Therefore, from the point of view of the nation in general, and the agricultural classes in particular, reform is indispensable ; whilst from the special point of view of the landowners, it is certainly desirable—none the less so because they may be unwilling to recognise the means—that the permanent value of their property should be increased.

As for the reform of the laws affecting the devolution and transfer of land, we have glanced at the outlines of this great question in the two preceding chapters. What is the conclusion which should be formed by progressive statesmen in regard to the reconstruction of the national system of land tenure and cultivation?

No one, we believe, who thinks carefully and candidly about the state of agriculture in England can fail to perceive the special and most effective argument in favour of a change in the existing mode of farm-tenure. It is this: the circumstances in which the business of a tenant-farmer is carried on have been simply revolutionised within the past half-century. The 'kittle o' steam,' so contemptuously regarded by Mr. Tennyson's 'Northern Farmer,' has co-operated with other and minor inventions to convert the homely farm of our grandfathers into something very much in the nature of a steam food-factory. Incessant competition, the increased demand for food which results from a rapidly increasing population, the stimulus given to agriculture as a trade by more frequent cattle-shows, root-shows, dairy-shows, and the like, the development of locomotive facilities, the proved efficacy of new chemical and natural manures, with other aids and incentives too numerous to be named, have put an entirely different face on the occupation of an English farmer. It requires much more capital, more skill, enterprise, and perseverance, to farm with a reasonable hope of success than was the case at the beginning of the century. The agriculturist must invest his money in a more expensive stock and machinery, and in more elaborate preparation and fertilisation of the soil. In short,

farming is no longer a mere industrial pursuit ; it has become a matter of scientific enterprise and costly investment. Such being the case, it follows that the tenant-farmer of the present day is justly entitled to ask for a greater security of tenure, a guarantee that what he puts into the land shall yield him a full return, and a pledge that the mere caprice of his landlord, or the fact that his lease is drawing to a close, shall not paralyse his enterprise and industry, or tempt him to relax his efforts.

This is a most reasonable demand, and the nation has a deep concern in seeing that its food-producers are fairly treated in this respect. There is no need to dwell upon the justice of the claim for security of tenure, with compensation for unexhausted improvements in the case of eviction. It is sufficient to say, what is indisputably the case, that no man of spirit will endure to be at the mercy of his landlord, however fair and upright ; and that no man of sense will lock up his capital in another man's soil without a moral certainty of being able to recover it. The experience of the past few years must have convinced the owners of land that this is the spirit in which agricultural holdings have come to be regarded, and thus the necessity for an amendment of the laws affecting such holdings is presented to us in the plainest form.

That the present generation of landowners—or at all events the best and wisest of the class—do see matters in this light is evident from the course of recent events. But no more significant illustration of this really conclusive fact could be desired than is to be found in the language of the Duke of Richmond and Lord Beaconsfield, in reference to the Agricultural Holdings Act of 1876. Their words have often been quoted; and they obviate the necessity of any testimony on the same side from professed advocates of the tenant-farmers' claims. The Duke of Richmond, after mentioning some of the drawbacks of modern agriculture in England, said, 'I doubt whether any one would say that this is a condition of things which ought to be allowed to remain any longer. I think public opinion has been sufficiently roused, and that Parliament is now competent to deal with it. After twenty-five years of agitation this matter has been sufficiently digested, and the feeling is now in favour of legislation. Under these circumstances the Government have thought that a measure should be brought in to secure to the tenant the capital he has invested in the soil. . . . I am not vain enough to think that this bill will satisfy every one; but I think it ought to satisfy every moderate and reasonable man, for while on the one hand it gives to the tenant that protection to which he is

entitled, on the other hand it does not invade those rights of the landlord which in this country have always been held sacred.' And the Prime Minister, not to be outdone, spoke of the bill as 'protecting the tenant's investment in the soil by placing him in a juster position,' and 'inducing him to apply capital to the soil—an application which it is in the interest of all classes to encourage.'

That was Conservative theory; as it must be the theory of every candid and courageous man. Conservative practice, however, was illustrated by making the Act an optional one, which might be neglected by all who cared to neglect it. As a consequence it has been practically inoperative; but we ought at least to be grateful for these clear admissions of the justice of the tenant-farmer's claims from the lips of two such eminent leaders of the Conservative party. It is to be regretted that this question of tenant-right, or the still wider one of land law reform, should be capable of being regarded as a question of party politics. But it is inevitable that it should be so. It would be idle to ignore the fact that the territorial party is in the bulk identified with the Conservative party, and that it is from them in the main that the opposition to progress arises. They dread the effect of disturbing the present distribution of land, and the present relations between landlord

and tenant, and they consequently put on the attitude of self-defence—though much in the same fashion as a timid man who parries a blow never intended for him. For, as we have just shown, the reforms now claimed by the country at large will have a direct tendency to improve the estates of the landowners, as well as to increase the general welfare of the nation.

But if the more unreasonable of the territorialists, Conservative and Whig alike, deceive themselves into thinking that their property and just privileges are attacked, and that they are in peril from a socialistic revolution—and this is actually proclaimed and believed by many persons—it becomes all the more necessary that the great issues involved should be ultimately decided by an appeal to the people. Here, more than in any other respect, it is the people as a whole that is affected; and it is to the authority of the people that we must look for the deciding word. Moreover, as in every other case of reform, the intervention of the popular voice, legitimately evoked and expressed, will be found to be on the side of quiet and peaceable progress, the very reverse of revolutionary, benevolent in its intention and operation, and beneficent to each component part of the body politic.

It is when we consider the land question as a question of food for the community, rather than of small holdings for agriculturists, that we realise how

essentially it is a matter of popular concern, and how logically it takes its place in the political programme of the Liberal party. No one can deny that the question of the food supply of Englishmen is a part of the question of land reform. A glance at the statistics which show the enormously increased value of imported food into this country during the past twenty years is sufficient to make good this affirmation. The following figures are the bare totals extracted from the Board of Trade returns for the United Kingdom, completed to the end of 1877 ; and we do not know that any set of figures could possibly be more significant or more conclusive:—

FOOD IMPORTS.

	Population.	Gross Value.
1858	28,389,770	£25,898,471
1862	29,255,015	50,293,118
1867	30,334,999	58,006,062
1872	31,835,757	74,227,939
1877	33,444,419	99,692,890

So that, at the present moment, we import considerably more than one hundred million pounds' worth of food—four times as much in value as we imported twenty years ago—although the population of the United Kingdom has increased in the meantime by little more than one fifth. Increased consumption and increased cost may account for a great deal ; but

it is an incontrovertible fact, that the producing powers of the land have relatively decreased in a very remarkable degree.*

Another equally striking way of putting the facts of the case is to compare the estimated value per head of the food imported in the same five years. The figures are as follows:—

					Value per head.		
					£	s.	d.
1858	.	.	.	.	0	18	3
1862	.	.	.	.	1	14	5
1867	.	.	.	.	1	18	3
1872	.	.	.	.	2	6	8
1877	.	.	.	.	2	19	7

Thus it appears that the English nation, and each individual Englishman in proportion as he is dependent on the efficiency of the food supply, has an infeasible right to deal with this question as one of personal concern. It is a specially popular concern, a question for decision at the bar of popular opinion. No more conclusive reason could be assigned for making the question of reform in our system of land tenure one of the indispensable items in any scheme of popular progress.

The deficiency of our food supply touches every one of us, throughout every rank of the community ;

* See a pamphlet by Mr. James Howard, 'The Tenant Farmer.' Macmillan, 1879.

so that those who can trace a more direct and special injury from the existing system of cultivation—like the tenant-farmers and the labourers—groan under a double infliction. Nothing can remedy these evils of the agricultural classes, except the institution of a tenant right, such as the country is now well prepared to grant—such, in fact, as the Conservative Cabinet appears to have contemplated in 1875, though it reckoned without its host. A hard struggle may be required before any radical reform can be obtained in the laws of entail and primogeniture ; but the battle of tenant right is already won. Few men now dare to argue in public against security of tenure or compensation for unexhausted improvements. All that we have to do is to apply the lessons of experience, and not only to increase the profits of agriculture in England, but also to divide them more impartially amongst the community.

CHAPTER XI.

FREE TRADE IN LABOUR.

THE term at the head of this chapter, though it may not be warranted by usage, is sufficiently justified by analogy and fact to be serviceable as a substitute for the more ordinary and less correct term of 'free labour.' Of course there is no reason why the principles of free trade should not be applicable to every commodity which can be made the object of sale and purchase ; and the commodity of labour is clearly in this category. Hence, when we speak of free trade in labour, our meaning is simply that the seller of the commodity, that is, the labourer himself, should have the power of choosing his market, and of putting whatever price he will upon his commodity, without compulsion on the one hand or protection on the other.

If labour were a commodity in the same sense that corn and minerals are commodities—that is, if it was tangible, transferable, capable of being stored and docketed—it would naturally have come under the operation of the commercial laws which have now

guided our national trade for more than a quarter of a century. But this is not the case. There are certain grand distinctions between labour and transferable commodities. The work of a man's hands, which he sells to his employer for a given price, is transformable instead of transferable. When once bought and delivered it disappears, and subsists afterwards only by its results, in the shape of a manufactured raw material, a cultivated piece of land, or a raised crop. Its independent existence endures no longer than the exercise of the bodily functions necessary to the seller when performing his contract. It could not figure in a tariff either before or after the performance of such a contract, and could not have an assignable price apart from a contract. Hence the observance of the principles of free trade in labour depends upon the mutual agreement of buyer and seller, of the employer and his labourer; and whilst it is possible for the Legislature to preside over the agreements of these two, and to lay down laws for their guidance, we can see why this should not have been done at the time when protection in the ordinary markets was first abolished. Though we have come to accept and make deductions from the maxim that labour ought to be free, the problem remains to be solved, how are we to reconcile the liberty of contract on both sides with a due con-

sideration for the rights or claims of the community at large ?

Here, again, the difficulty arises from the destructive character of labour as a commodity. The rights of labour, or of the man who takes his labour to market, are interwoven with the personal rights and privileges of the individual. A labourer contracts to render such and such service for such and such a price ; but he remains still a human being, an unit of a human society. He has agreed to sell his labour, but he could not agree to sell his thews and his sinews, his intelligence and his moods. No doubt he has morally undertaken to apply and devote himself, mind as well as body, to the performance of his task, so far as may be necessary to produce the best kind of work, or to do his work in a perfectly efficient manner. But if he breaks this moral pledge, the only penalty would be in the shape of a deduction from the price of labour on account of imperfect results, or the termination of the contract on account of shortcomings named beforehand, or the repeal of a new contract when a labourer had scamped his work. Whatever can be detected, or stipulated, or measured by a material scale, may be the subject-matter of a contract, but the good-will and mood of the labourer cannot. Therefore it is impossible to prescribe and limit these contracts

by law as though the men who enter into them were machines. Something independent of contract and law must remain over for further consideration; and it is in respect of this 'something' that the difficulties of establishing absolute free trade in labour will be found to arise. Hard-and-fast rules cannot—at least under existing conditions—be applied to the supply and demand of labour. We may legislate and restrict, but we must still lay ourselves out to deal with the moods of human beings by a sort of equitable supervision.

Now, how is this supervision to be provided and administered? What is to be its nature, and how are we to contrive that its authority shall be recognised by employers and employed alike? By what means shall it receive the sanction and force of law, and in whom is to be vested the indispensable ultimate appeal? The answer to these questions, if a satisfactory one can be found, will be the keystone of the arch on which the reconciliation of capital and labour is to rest.

To discover this solution, it seems to us only necessary to refer to our universal first principle—the supremacy and sovereignty of the people in all matters concerning the people. That is to say, the disputes arising between employers and employed, in regard to contracts for labour, should be referred to a tribunal, in

the constitution of which both employers and employed have exercised a voice. The consent of both sides should be given beforehand to the appointment of judges, or of an umpire, from whom there should be no appeal on matters of fact ; so that, whilst on the one hand the disputants should not be left to the brutal competition of selfish interests, or the callous exercise of abstention from labour and enterprise, on the other hand the free exchange of labour for money should be shielded against the capricious interventions of the central administrative authority. In one word, arbitration appears to be the true, and apparently the only, remedy for the evil.

Arbitration between capital and labour, employers and employed, is a comparatively new device, but it has become familiar to every one. It has often been tried and has often succeeded ; and perhaps we should have to admit, if we recalled all the instances which have come under our notice, that it has still oftener failed. We are not speaking of those adjustments of long disputes which have been effected after many unsuccessful attempts, and when both sides were more or less worn out by a protracted and ruinous struggle. Such arrangements as these would more properly be described as reconciliations, or as compromises accepted because neither of the contending parties was prepared to

make further sacrifice to the spirit of obstinacy. Genuine arbitration is that which comes into operation almost as soon as the cause of dispute is manifest, and before the gage of defiance has been thrown down. One of its advantages, which must tend powerfully to establish it as the best of all methods of arranging a difficulty, is, that it can be resorted to without the loss of a day's labour, either to those who give their work for a stipulated wage, or to those who employ labour for the utilisation of their capital. There can be no doubt that arbitration of this sort has recently become more and more common, and that it bids fair in the future to be more and more successful. Hundreds, it may be thousands, of labour disputes have been settled by a resort to the decision of an umpire, without arresting the wheels of the great machine, which all concerned have come to reverence as the creator or multiplier of wealth.

But excellent as is this device for arresting the aggravation of a dispute by the timely appointment of an arbitrator, its benefits have been limited by the fact that the resort to arbitration is hitherto entirely optional on both sides. It may be resorted to in one factory or mine, and refused in another a few miles away; or, it may be a recognised thing in one trade or in one district of the country, and not in

another. Moreover, the award, when it has been given after due inquiry, and in response to a joint request, is not practically binding on either party; for the dissatisfied employer or employed may decline to stand to the implied agreement out of mere selfishness, or may have a conscientious conviction that the award has been made on unsound principles, or without full consideration of important facts. The inclination to appeal from tribunal to tribunal is natural enough in a man who has an obstinate conviction in the justice of his case; and thus it is inevitable that the decisions of arbitrators should be occasionally neglected, so long as there is nothing in the nature of a compulsion to make them definitely authoritative.

There are two drawbacks in particular which have hitherto interfered with the success of the principle of arbitration. The chief is that to which we have just referred—the rejection of an award, and the obstinate persistence in a strike or a lock-out. Such persistence, indeed, seldom avails those who have recourse to it, since it must almost inevitably be opposed to the tendency of public opinion—always keenly alive to the merits of a labour dispute. Of course, this very public opinion is regarded on all hands as a court of moral appeal, to which reference is not unfrequently made, and which has often practically determined an industrial controversy. But

it is not easy to imagine a case in which either employers or employed would, under present conditions, successfully appeal from an appointed arbitrator to the general opinion of the country. We cannot recall a case in which this has been done in recent years.

The other drawback consists in the unwillingness sometimes displayed by one side or the other to enter into arbitration. We think it will be admitted that this unwillingness has been shown more frequently by the employers of labour than by the employed—whilst the refusal to accept an award, once given, has perhaps come more frequently from the employed. And it is natural that an individual capitalist, or a firm of capitalists, for whom the issue of the dispute must have a greater personal interest than it can have for the labourers, should be less willing to place himself or themselves at the mercy of an arbitrator, who cannot be expected to understand all the complicated circumstances of a large business after a few weeks' study. An artisan or a miner, when condemned by an award to accept a lower rate of wages, has at least the power of taking his commodity to a better market, if such is to be found. But an employer, if he submits to arbitration and gets the worst of it, may find himself in an alternative between working his mill or mine at a loss, or closing it altogether. Moreover, there is a very intelligible dislike on the

part of employers to bringing their books before an arbitrator, and having them inspected in presence of the representatives of the men.

The remedy for both these drawbacks—so far as a remedy can be found—would seem to be this : to elevate the nature of the arbitration, and the dignity of the arbitrator, and to make the award, with or without appeal, compulsory. In order to effect this, legislation would be necessary. A Court of Arbitration would have to be established, which would take its place amongst other legal courts; unless the work could be entrusted to one of these—as, for instance, to the County Court, or, better still, to the general local courts which will be established when popular self-government has been organised in proper form. If either of these latter alternatives were adopted, it would be indispensable to have duly qualified assessors, capable of dealing thoroughly and technically, from personal knowledge and experience, with the special cases as they arose ; and we are inclined to think that these assessors, who might travel from court to court, would be more effectual and more authoritative in conjunction with the local County Court judge than if they were empowered to constitute and hold a court by themselves. However this might be, they ought to exercise judicial functions, and to have the power of examining witnesses on oath, and of sending for persons and

books, and even of committal for contempt of their authority.

These Courts of Arbitration would be a sort of courts of first instance, administering statute law, as well as pronouncing upon trade customs and regulations; and it seems to follow that an appeal would have to be allowed to the higher legal courts. Without this it would be difficult to adopt the principle of compulsion; and without compulsion the arbitration would be of little value.

Nor should the compulsion be limited to the enforced acceptance of a decision in arbitration; it would be necessary to apply it also in bringing matters of dispute before the arbitrator. The whole benefit of the institution would be defeated if it were left optional for either side to submit to inquiry or to decline it; and for that reason it would be indispensable to enact that, whether in the case of a breach of contract or in the case of a breach of law, or on the occurrence of a dispute as to the wages of labour, it should be competent for either side to summon the other before the court. The only novelty in this would consist in the compulsory resort to arbitration, which almost sounds like a contradiction of terms. But there is no contradiction in point of fact. If the word 'arbitration' necessarily implied a mutual agreement to select an umpire and to accept his

award, no doubt the idea of preliminary compulsion would be excluded. But this is not the necessary signification.

The distinction would doubtless be somewhat finely drawn between arbitration with compulsion and arbitration without compulsion. But the purport and effect of the new legislation, as we take it, would be that the power of referring disputes to the decision of an umpire would be given only to those who asked for it. It would be requisite that one of the two parties should make the application ; and, this having been done, if the other party were unwilling to join issue, the fact of the law overruling his (or their) objection could not be held to vitiate the nature of an arbitration. The claims of the unwilling party would not be neglected because of his unwillingness, and the compulsion exercised by the court would only be such as conduced to the welfare of the community, including that of the objector himself.

With a well-constituted court, however, it would probably be found that objections would rarely arise, or rarely be persisted in, especially if the privilege of nominating the arbitrators was reserved to the disputants. And this ought to be done, as it would be the essence of any arbitration calculated to give satisfaction to both sides. The system would be simple enough so long as what we may call the technical

arbitrator sat as the assessor of the legal judge. Something like the same principle obtains in the adjudication of Admiralty cases, in which litigants have the double satisfaction of pleading before a technical and a legal authority combined. But the great thing to be secured would be the practical appointment of the arbitrator—a man of special knowledge and experience in the matters at issue—by common consent of the contending parties.

The advantage of such a scheme to both employers and employed would manifestly be very great ; and it would not be less to the general community. Labour disputes would at once be brought to the level of ordinary commercial disagreements. Employers and employed alike would be under the control of the law, so far as it is possible to make the performance of a contract of bodily service imperative ; and at all events there would be the power to exact penalties for breach of award, as well as for breach of actual written contract. The exasperating character of such disputes, as they are now carried on, to the scandal and injury of the public, would disappear ; and, by the definiteness of the law, by the conciliatory effect of arbitration, and by the force of public opinion, we should probably see the virtual end of the struggle between capital and labour which has cost the country so dear and brought so many disasters on all concerned.

But, above all, the benefits derived from arbitration by working-men would amply reward us for every effort made to obtain them. Until some such reform has been introduced there can be nothing really worthy of the name of free trade in labour. The existing trades-unions are at best a poor makeshift, and they cannot give to their members that security, that guarantee of justice, that assurance of regular and fairly paid work which would follow almost as a necessity from the establishment of judicial courts of arbitration. Working-men are apparently beginning to see the boon such courts would confer upon them, and we believe that they would rely upon them for protection in preference to the hostile spirit now frequently (and even unavoidably) manifested by their trade societies. As we have said, it is not from the working-men that the greatest objections to Courts of Arbitration have come; they have been on the whole and as a class more inclined than their employers to demand arbitration as a mode of settlement. It is sufficiently short-sighted of capitalists whose money is invested in large works depending on the constant supply of cheap labour to withstand the application of genuine free-trade principles; but in working-men the resistance would be absolutely suicidal.

CHAPTER XI.

FREE EDUCATION.

THERE is a phrase in constant use amongst Liberals according to which three of the principal demands of the country in the immediate future are for 'free trade, free labour, and free schools.' The cry is a good one, and even necessary to the formation of a strong programme of reform; but it is worth while to observe that the phrase just quoted is not precisely equivalent to 'free trade in commodities, free trade in labour, and free trade in education.'

The majority of Englishmen are convinced that free trade in commercial matters is indispensable to the welfare of the community. The principle is by this time too firmly established to be abandoned, or even brought into question by the cavilling of reactionary or ignorant speakers and writers. The doctrine of free trade in labour, as we have seen, is not so widely accepted. The idea is a newer one, and needs to be brought through the stage of controversy; but we are gradually effecting this, with as

much despatch as it is reasonable to expect. The question of education is on another footing; and free trade in education as a commodity—which is a newer idea than either of the others—is scarcely attainable under the existing state of things. Of course in so far as education is a commodity capable of being sold and bought, there must be such a thing as free trade in education; but this is not what the friends of reform would care to contend for at present.

Free trade is valuable in proportion as the quality of the commodity subjected to it is harmless and profitable, and in proportion as the purchaser is able to protect himself against adulteration, or against the forcing upon him of a noxious article. In the case of ordinary tangible commodities he can do this fairly well, but in the matter of education—that is to say, in the training of his children at school—he cannot. He has to take his chance. But as it is the paramount interest of the community that the education of the young shall be efficient, unadulterated, and the best that can be had, it follows that it is the duty of the State to interfere with free traffic in education, so far as those who sell the commodity desire to treat it as a matter of traffic.

It is essentially one of those cases in which the liberty of the individual is restrained for the benefit of society. It is better to insure good teaching

to elementary scholars than it would be to check national education in the interest of private schoolmasters. We depend on education to form the future citizens of the State—that is, the future State itself ; and it would have been suicidal to uphold the questionable claims of every incompetent person who chose to traffic in education, thereby making it impossible to adopt a national system, based on popular representative control.

Within these limits, however, the term ‘ free education ’ is applicable in its widest sense, whenever it is to be found in the creed of a genuine reformer. That which we have demanded, which we have only partially obtained, and which we shall before long demand and obtain, is a national system of universal application. We want the State to provide education for its citizens, because it is its duty and privilege to do so ; we want that education to be freely applicable and freely accessible to every individual ; we want it to be compulsory on the few who would neglect it, for the benefit of the many who support and pay for it ; and we want to see it purged of all invidious restrictions, drawbacks, prejudices, and competitions.

The present condition of affairs is unsatisfactory in many ways. It is a compromise which pleases no one—except those who always allow themselves to be pleased by a compromise of any kind. There

are, moreover, compromises within—or behind—compromises. First of all we have a compromise between the secular arm of the State on the one part, and the State Church on the other. Then we have a compromise between the voluntary denominational schools and the schools established under the national system. There is another compromise within the national schools themselves—or rather, within the boards elected to manage them. All these are compromises of principle, rather than of mere opinion, or of method. No doubt it is natural enough that the members of the several boards, representing widely different sections of the public, should have found it necessary to come to an understanding on such a point as that of religious teaching in elementary schools. But it is very unfortunate that our State system of education should be hampered and checked by so many other compromises, which detract immensely from its value and capacity for good.

The chief obstacle, we believe, which prevents us from developing the national system, by means of the excellent representative government secured under the Act of 1870, is to be found in the great rival system—or unsystematic aggregation—of voluntary schools, supported by the religious communities, and setting themselves up, for the most part, in opposition to the Board schools. The time or the opportunity

has not yet come for absorbing the former category in the latter; and of course there are many who consider that such a time never will come. Certainly the attempt to do anything of the kind would be hopeless under existing conditions. It would be impossible to convince the managers of such schools that to hand them over to the supervision of the boards would be the best method of insuring their continued efficiency, and the simplest plan of rendering the national system satisfactory to the nation, as well as to themselves in particular. Paradoxical as it may seem, we are convinced that the ministers of the various religious bodies, and the parents who now insist upon having scripture interposed between a lesson in arithmetic and a lesson in natural science, would eventually profit by handing over their schools. And at any rate the nation would derive incalculable advantage from the breaking down of the barrier which now separates the work of the State from the work of private and almost irresponsible individuals.

In no other country where a national system of elementary education has been established is there anything to compare with our voluntary denominational schools. Even in France, though the contrast is sharp, if not sharper, the proportion of those which defy and counteract the national schools is not so overwhelming. We are ourselves suffering

from the long delay which occurred before the State made up its mind to undertake the public duty. Not only have vast efforts been made by the denominationalists since Forster's Act was passed, but vast numbers of so-called voluntary schools existed before 1870. At the present time, when the Education Act has been more than nine years in operation, there are very few School Board districts out of Wales in which the scholars in the voluntary schools are not more in number than the scholars under the boards. On the other hand, there are yet many places where the School Board is steadily and hotly rejected, and where the scheme discussed and accepted by Parliament is simply a dead letter.

It is manifest how this want of general applicability, this default of universality in our national system, acts and reacts for evil. The jealousies so eagerly kept up between the two classes of schools, and out of which some politicians have not scrupled to make capital, render it much more difficult than it would otherwise be to enforce compulsion on reckless parents or fatherless children. The system of the State is handicapped by the invidious duty of compulsion, which does not extend to the voluntary schools. A scrupulous fulfilment of the law results in forcing into the Board schools a considerable number of children who are not likely to earn

the Government grant, and who are to that extent regarded as a hindrance by ambitious and over-zealous teachers, anxious above all things to increase the list of their 'effectives,' not only for the honour of their school, but also for the sake of the small addition to their income.

The difficulties in the way of bringing to school and educating the poorest class of derelicts and 'wastrels' reveal what is perhaps the weakest point in our national system, as it now exists ; and it is highly important that something should be done to remedy the evil. It is not too much to say that the efficacy of Forster's Act is tested by its application to the most neglected, the poorest and dirtiest children in our great towns ; and if we find that many of these children escape the reach of the compulsory clauses, whilst the same clauses are often pressed with harshness against respectable and industrious children, we may not unfairly conclude that the Education Act is (at least to this extent) inoperative and a failure.

Now it is a fact that this complaint has often been made, and observation tends to show that there is much force in it. Those who most need the application of the compulsory powers granted in 1870 frequently enjoy a perfect immunity ; they are not always zealously hunted up, and they have been suffered to keep out of the way, and been even

repulsed from the national school, after being brought within the sphere of School Board influence. This is a scandal under the present system which cannot be denied, and which calls aloud for redress. What remedy, then, appears to be practicable in these circumstances? Surely it is for the people itself—which once more has the power of redress in its own hands—to discover and apply the remedy.

The failure, however partial it may be, of compulsion in the quarters where it is most desirable, arises in the main from the invidious methods by which it is, or needs to be, applied. Thus, there is the invidious distinction between board schools and voluntary schools, which gives an unfair advantage to the latter; for if it is to the benefit of the whole community that compulsion shall be exercised in regard to parents who neglect their children's education, it is natural that the schools to which the coerced children are sent should incur a certain amount of odium on the part of those whom the law is made to reach. And again, as just remarked, there is a further invidious distinction in the board schools themselves, arising, of course, not from the same cause, but from the difference which is made—sometimes needlessly, sometimes inevitably—between the most respectable children and those who are considered less likely to bring credit upon the managers.

Now, in order to grapple with these evils, which are of wider scope and produce more injurious effects than is commonly recognised, it appears to us that further legislation is urgently called for. The public mind may not yet be prepared for a new departure on the subject, though we have no doubt that the more thoughtful section of the public has long perceived the necessity of which we speak. We may at least hope that a stronger and healthier sentiment is taking shape and finding expression, on this as on a number of other social and political issues, and that a few more years will see this sentiment translated into action.

The most drastic reform of all will be achieved as soon as the country is able to accept the truth that a universal system of education is indispensable to complete efficiency in national education ; that the system must be one in which the whole community has an immediate and necessary interest ; that the aid of the State should be given to those schools alone which are conducted on the national system ; and that, consequently, the voluntary schools should no longer be allowed to compete with the national schools, either in earning the money of the taxpayers, or in currying the favour of the public, or in varying the standard of education.

As matters stand, it would be harsh, even if it

were practicable, to withdraw every kind of recognition from the schools of the various denominations ; and we could not ask any Government to withdraw the State grants, without long notice and preparation, from those who are now permitted to enjoy them. We shall be able to do this sooner or later ; but not until a great amount of prejudice has been swept away, not until a more harmonious tone prevails, not until a thorough religious equality and impartiality (as far as the State is concerned) have been secured throughout the country.

How can we bring ourselves nearer to a consummation so much to be desired, or how prepare the public mind for the first steps of progress ?

The only way, so far as we are aware (and the problem has been worked out in countries which are far ahead of us in national education), to remove the unjust prejudices under which our School Board system labours, is by destroying, as far as possible, the invidious distinctions which have been shown to operate so unfavourably ; and especially those which tend to create a gulf between different children in the same board schools. There is no cause so fertile of odium as the differences necessarily existing in the amount and mode of the payments made by or on behalf of different children in our national schools. The fees are small enough in any case ;

but, small as they are, many poor parents have the utmost difficulty in paying them. The number of children whose parents are excused this petty strain on their narrow incomes is larger than many persons would imagine. The number of children whose school fees are paid by the guardians of the poor forms a considerable proportion of the whole ; and it is not to be supposed that this virtual pauperisation takes place in absolute secrecy, or without the knowledge of the parents' neighbours and friends. In the case of compulsion being exercised in order to drive the children into school, the pauperisation is forced, and therefore much more humiliating.

There is evidently one way in which this evil could be counteracted ; and we do not know if any other is conceivable. It is by making our national education entirely free and gratuitous. In other words the invidiousness of which complaint has been made would have been practically removed (more particularly in the instances where it is most acutely felt) by supporting the whole national system of education out of the rates, or out of rates and taxes in conjunction, and accepting no fees whatever from the children, whether their parents be well-to-do or the contrary. We should still have payment by results out of the parliamentary grant, and the deficiency would be supplied in each district by a local rate. The increase in this rate would not

be very considerable ; and, with regard to the question of expenditure, of which we have latterly heard so much, a reasonable attention to economy will presently reduce the education rate below its present figure, as the need for buildings and appointments decreases. The parents who are in comparatively comfortable circumstances would thus contribute, indirectly and slightly, to aid those who could not pay in any case ; and the wealthier section of the community, whose own children are educated in schools of a higher grade—often outside the national system—would contribute in aid of all the other sections. And this would be in accordance with a principle which cannot be gainsaid. Education is a State duty ; and therefore the duty of maintaining an efficient and universal system of compulsory education devolves upon every one of us as a State burden. It seems superfluous to say that this burden, like each of those which the State imposes upon us, is attended by economical as well as social and political advantages, saving us in the long-run infinitely more than it costs.

It is in this sense, then, that the reformer includes in his programme a demand for free education. He perceives that to treat education as a national work, to recognise it as a national concern, to make it a matter of universal application and duty, to throw open the doors of the national schools gratuitously

and without distinction of person, is the only way of rendering it popular, effectual, and void of offence. And he perceives that this liberation and liberality of national education would instantly give it its due advantages over the voluntary enterprises which might thereafter care to hold aloof from State control. The whole evil seems to be faced and grappled with by this genuinely national system of free schools. Ten years ago few Liberals hesitated to ask for a compulsory, universal, secular, gratuitous education. It is time to consider whether they did not prematurely relax their efforts, and hastily suffer the mind of the public to neglect the all-important interests which are at stake.

CHAPTER XIII.

THE BURDEN OF TAXATION.

THE principle on which Englishmen are governed—that of representative self-control—creates or underlies every contract entered into between the nation and those to whom the authority of government is, permanently or otherwise, intrusted. In some nations, like the United States, and in a less degree France, there is little personal authority more permanent in its character than the periodically elected Administration, with the various office-holders who come and go with the Administration. In other nations there are permanent government staffs, which do not change their *personnel* with the Administration, and which generally hold aloof from questions of party politics. And in the case of limited monarchies, like England, in addition to the government services, the irremovable officials and judges, and the extensive system of local self-rule, there is the royal family, with its numerous officers and attendants, all of which go to swell the privileges of what are sometimes called ‘the govern-

ing classes.' In all these cases, whatever the degree of liberty and popular enfranchisement they enjoy, there is the same implied contract—on the one side to govern well, on the other to submit to good government.

From the moment when representative institutions are accorded to, or exacted by, any nation, the supremacy of popular rights and privileges is virtually acknowledged, and the ultimate sovereignty of the people is assured. For the effect and significance of popular representation is this, that the enfranchised people is thenceforth practically the arbiter of its own destinies, has the final word in its own government, and the paramount right to insist on the observance of the mandates which it has given to its representatives. Hence the contract between government and people resolves itself into an agreement that the one party shall govern in harmony with the expressed will of the people, and that the other shall continue to provide the means of government.

This resolution of the contract into an agreement depending upon the payment and the application of taxes will be found to have taken place in every country where constitutional liberty is acknowledged. It does not follow as a matter of course that the authority of the people is highest, and its effect most immediate and irresistible, in the nations where the theory of the contract has been

most unreservedly admitted. England was the first country to establish the doctrine that representation should always keep pace with taxation, and that the default of good government justified the withholding of supplies by the popular representatives. But we cannot now boast that the expressed will of the people is more speedily and thoroughly obeyed in this country than in any other. In the preceding chapters we have touched upon several instances in which the desire of the people for special reforms is baulked from year to year, and even from generation to generation ; and we have seen that it is possible in England (as it would be impossible in the United States, or in France under the present *régime*) for a party Administration to commit the country to an uncongenial if not irreparable new departure in its general policy. The remedy exists in theory, but it is not easy to apply, nor can we make it easily applicable until certain reforms have been introduced into our governing institutions. What these reforms are we have tried, though partially and imperfectly, to suggest in the chapters which glanced at the parliamentary system established by our forefathers. The reforms which give us shorter Parliaments, wider franchises, purer elections, and efficient local self-government, will tend to make the practice of English government square more closely with its theory.

Then, as now, the holding of the purse-strings by our parliamentary representatives will be the lever, within Parliament, by which we shall be able to make our wishes prevail. And it would be an incalculable advantage if the people would take to refreshing their memories concerning the parliamentary and popular struggles of their ancestors, and so learn over again how powerful and invaluable an instrument they have at their command in the simple and point-blank refusal of taxes.

Hampden's refusal to pay ship-money in the reign of Charles I. (which was only one case out of many) was based upon grounds not wholly dissimilar to those which might be alleged in the present day, by one who was fanatically opposed to a national policy, which he considered to be morally indefensible, and obstinately determined to resist the Government as a matter of principle. Of course the cases would not be parallel. Ship-money was illegal in its mode of impost, which the taxes of our own times are not. But legality in regard to taxation was not absolutely established and confirmed in the days of the Stuarts, and there is a forcible comparison between the moral aspect of the question of to-day and that of two hundred and fifty years ago. Closer parallels may be found in other generations—cases of conscience in which important questions have been raised, and valuable results ob-

tained, by sending the tax-collector empty away. We do not say that the same results could be secured by adopting this fanatical course now. Perhaps a nineteenth-century Hampden would be only a ridiculous failure. But one is tempted to feel curious as to the possible outcome of a popular demonstration of this kind.

Much more could be effected, and more legitimately, by a steadfast refusal of supplies in the House of Commons. It is difficult to see any better way of raising the question of popular sovereignty, or any more effective way of establishing it, than a contest over the national expenditure. If the provision of money for the purposes of the State is, as we know that it is, the peculiar duty and privilege of the general community, and if the refusal of this money is the legitimate instrument whereby pressure may be brought to bear upon an Administration, it follows that the people could select no better vantage-ground whereon to wage a contest for the assertion—or rather the reassertion—of its own authority. Even reforms which are not specifically connected with matters of finance or expenditure might be made easier of attainment if the people, losing patience after a protracted self-control, should vehemently insist upon the immediate contraction of our bloated yet growing national expenditure.

There is abundant cause for popular intervention in the mismanagement of its own resources. The expenditure of the country in a time of peace is swollen and bloated beyond all that could have been supposed possible some quarter of a century ago. Less time than that has elapsed since an eminent statesman declared that the business of the nation might be carried on for fifty millions a year. Yet the total of our annual disbursements—that is to say, of the sum annually taken from the English people in the shape of taxation, direct and indirect—exceeds eighty millions sterling; and under the present arrangement of affairs, the politicians of the schools now in vogue will never bring it much below that figure. We admit all that can be said as to the natural rate of increase in the cost of governing, managing, serving, and defending a great country like England, which is constantly increasing in population and constantly adding to its responsibilities at home and abroad. But none of these considerations furnish an excuse for the abnormal increase of our national expenditure, which weighs year by year more grievously upon the commonwealth.

It is plain that this expenditure would be comparatively slight, and might be provided for without the imposition of any heavy burden upon the taxpayers, if it were not for the enormous sums—more

than two thirds of the whole amount—swallowed up by past and present wars, and preparations for future wars. It is in regard to these—and especially in regard to the amounts expended on the military and naval services—that retrenchment may and ought to be effected. We can do little enough, at present, in the way of reducing the interest on our national debt, which yearly consumes twenty-six millions sterling. Gradually, perhaps, and under the guidance of skilful and courageous finance ministers, something can be done to lessen the weight laid on our shoulders by former generations; and at any rate we can abstain from selfishly adding to the load which our children will have to bear. But it is not here that our economists will be able to achieve their most notable triumphs.

In regard to the thirty millions or so which are now demanded for the army and navy, there are few politicians worthy of honourable mention who deny that a large saving might be made if our rulers, and especially the highest officials in the War and Admiralty Departments, would nerve themselves for a strenuous effort. The obstacles placed in the path of reformers by prejudiced men, trained in the precedents and traditions of the services, and unable to break loose from the fetters of their judgment, are many and powerful. It is almost too much to hope that innovations in the interest of economy should be made from

within, and we must probably wait for a strong popular demand, backed by a majority in Parliament, before anything considerable can be accomplished. But with such an initiation, pressed forward by the momentum of public opinion, a very noteworthy saving might be made in the two great spending services of the country, even in attaining a superior result in fighting power.

But still more is it possible, if we will accept and act on the maxim, that what England needs in her soldiers and sailors is a defensive rather than an offensive fighting power. We should save millions every year if we would steadily and rationally take our stand on the exceptionally safe position secured for us, by nature in the first place, by our virtual independence of European armaments, and by the great moral advantage accruing from our commercial aptitudes, and our acknowledged superiority in latent resources of power. No country in the world was ever endowed with so much independence of position, material and moral, as England is ; and if we had the wisdom and will to avail ourselves of this splendid endowment, we might at once spare ourselves a large portion of our overgrown expenditure.

Of course the facts and arguments brought forward on the other side we should be the last to ignore or despise. It would be the height of folly to leave our-

selves unprepared for war, however improbable the contingency of war may appear. It is also necessary to bear in mind that England is in a sense vulnerable all over the world—in Asia, in Africa, in America, and at the Antipodes. But for every such argument there is an adequate reply. Our colonies and dependencies ought to be in a great measure self-reliant, being valuable to us in proportion as they are able to strike in their own defence. And no one will deny that we ought always to cherish the fighting power of the nation, to the extent of rendering the greatest possible number of Englishmen capable of bearing arms, and of fighting for their country in case of need. The real question is, how we may purchase this result in the most economical manner compatible with thorough efficiency. And we submit that, demonstrably, we might make ourselves unassailable, and possess all the moral force which proceeds from the known possession of physical force, for a sum very much smaller than that which we now pay with such difficulty, not to say with such dire distress.

It is to be feared that the nation must pass through more calamitous experiences arising from the pernicious habit of war before a public opinion will be formed strong enough to make the State revolt from military extravagance as one of the greatest follies

and crimes. In the meantime the burden of taxation might be made less grievous in another mode, to wit, by raising the necessary income in a less obnoxious and oppressive manner. It would be out of place to touch more than the fringe of this vast subject in this connection. But we may point out that the national income is derived through several distinct channels. The income and other assessed taxes, which are most obnoxious of all, are levied directly upon individuals or classes. The customs and excise duties are in the nature of subtractions made by Government from the profits of commerce—or additions made to the cost of goods. The income from the Post Office and Telegraphs, again, is almost purely a payment received by the State for labour undertaken in the service of the general public. There will probably be little question that, all things considered, the last is by far the most satisfactory and most remunerative kind of income. It has no tendency to place a burden or restriction upon industry, as the other methods have. On the contrary, the service by which the State earns this portion of the national income has proved to be an incalculable advantage and source of profit to the community. No private enterprise, for instance, could have given us by this time a penny postage rate, or have established the various departments of the post and telegraph services on their present footing.

The conclusion seems to be forced upon us that the State might and ought, by undertaking other important public services, to benefit the community in the double sense of improving those services and earning money which would permit the remission of taxes. We know of no valid objections which have been raised against such a proposal; and it is in this direction that the greatest possibilities of financial reform have been foreseen. As we have said, it would be outside our present purpose to examine the various specific suggestions which have been made in a more or less practical form. Suffice it to urge that within a few years, by taking in hand certain special services of inter-communication, not differing widely in principle from those which it already undertakes, the State might deliver us from the worst evils of direct taxation, and even from some of the most objectionable imposts of customs and excise.

One way or another, by diminishing expenditure or by increasing the earning powers of the State, our burden of taxation must be relieved. There is a positive danger to the nation in the continuance of the existing oppression, which is becoming as intolerable as it ever was within the past few centuries. We ought not to suffer such a strain upon the patience of the masses for a day longer

than we can help ; for oppression of any kind justifies resistance, and renders it certain and inevitable. And here, as always, the people has the remedy in its own hands, though the remedy is of too violent a character to contemplate with equanimity. No doubt the danger appeared more formidable when the taxation was more direct than it now is, and when the imposts were made upon necessary articles of food. But only the man who is politically blind or misguided will fail to perceive the very real character of the danger of to-day.

MARCH 1880.

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